1945
(Legis)
A collection

File No 9-43
Serial Nos - 1

previous References

later References

(27)

General and Revenue Secretariat

Manuscript

part B

Subject

The Societies Registration (Amendment) Act. 1943
(XXXI of 1943)

To the compiler, Mysore Gazette
No RL 169- Legis 9-43-1 dated 5-8-1943
Notifies the publication of the Act in the Gazette

10-9-43

G. R: S. APP. F. III—1]

GENERAL AND REVENUE SECRETARIAT.

( 9.1 ) 2818

NOTES.

File No. 15-39

FILE HEADING

Rules under the Societies Registration Act

FROM The Registrar of Joint Stock Companies in Cyprus

No. C. 838/39-40 Dated 13-1-40 Received 16-1-40

Diary No. 2818 | Enclos. one Spare copies - | Serial No. 2

BRIEF ABSTRACT OF LETTER

Forwards a list of the amendments to be framed under the Societies Registration Act.

NOTES AND ORDERS.

(Vide Rule 7)

It is submitted that Rule 4 proposed seems to be rather involved in expression and to require a clearer wording. Rule 6(iii) may be best as 7(a) and 7 as 7(b). The investigation is proposed to be conducted only when it concerns the finances of a society - It is for consideration whether the words "Concerning the finances" may be omitted in order to give a wider scope for investigation. It is also for consideration

NOTES—First Sheet

WD 0555—GPB—3,750—28-1-39

5315
P

File No. of 193 General and Revenue Secretariat

whether a clause somewhat on the lines of section 141(A) of the Indian Companies Act prohibiting prosecution in the case of fraud etc may be added to the rule to make the inspection and investigation really effective

2) The rules do not require previous publication ~~Redacted~~ Law section may also be consulted Law for orders

29/1/40

The Law Section may be consulted on the suggestions noted above.

The rules with the modifications suggested above appear to be suitable

30/1/40

Draft

3) In favour of amendment

Co 11/2

Law Sec. 4/2

1/2/4

4) Please put up the Societies Registration Act III of 1904 as amended by Act V of 1939. See — Imperial Code Vol III Page 391

3
13/2/40

5) The Rules are perfected & have been framed under Sec 22 of the above Act. As 22 is to be clear that Govt may make rules for carrying out the purposes of the Act. ~~while~~ the proposed ~~rules~~ the ~~rules~~

Law. 1400/37
13th Feb 1940.

SECRETARIAT GOVT OF MADRAS

SECRETARIAT LAW 13. FEB. 1940 MADRAS

3

Serial No.

The Preamble shows that the purpose of the Act is to improve the legal conditions of Societies established for promoting literature, Science etc; & this purpose is carried out by the passing of the Act by the Legislature.

8) The Legislature, after enacting the general principles of law, delegates to subordinate authority the power of making rules for the purpose of settling the details & procedure necessary to give effect to the general principles; & the subordinate law-making body in passing rules etc is bound by the terms of its delegated or derived authority.

9) Thus, when deciding if the Rules are validly framed or not - one has to see

1) if the Rule-making power has been exercised in accordance with the provisions of the statute by which it is created

2) if the Statutory conditions are complied with then the Rules will be valid.

Applying these tests we will see if the Rules in Question are valid & framed or not.

Rules 2 & 3 & 5

10) Rule 2 deals with the change of the name of the Society - & Rule 3 with the change of name & address of the Secretary. These Rules lay down that such changes should be notified to the Registrar within 30 days from the date the change takes place. Further, Rule 5 lays down that a Society may change its name, & then such change will be held to be valid.

NOTE–Contn. Sheet.

File No. of 194

General and Revenue Secretariat.

Serial No.

Office Let us look at Sections 2. 3. & 5 of the Societies Registration Act. As per Sec 2, if a Society is to be formed, then that Society shall get itself Registered a memorandum of Association, which shall contain, as laid down in Sec 3, the name of the Society, the Object of the Society, the names & addresses etc of the persons ... & other governing Body to whom by the rules of the Society the management of its affairs is entrusted. And under Sec 5 the Society has to file a list of the names & addresses of the governing Body entrusted with the management of the affairs of the Society. ✱ every year with the Registrar

By the way other Sections, if according to the Rules of the Society, the Secretary is vested with the management of the affairs of the Society, which then the Society will have to intimate the change every time. But the proposed Rule 3, lays down that within 30 days of the change, the Society shall intimate the change. It seems to me Contra to Sec 5. Further, the Rule is vaguely worded - the Secy Secretary or Manager, — the function of the Secretary may be different from that of a Manager & vice versa. Perhaps what is meant is the person in whom the management & the affairs of a Society is vested. If that is the intention, then the Statute law is sufficient, & no further Rule may be framed on the point. Hence Rule 3 has to be rejected.

Serial No.

(b) Cls xi, Rule 2, Sec 3 of the Act demands that the address of persons managing a Society have to be entered in the Register of Members, & any change therein has to be entered in Register of Members; & any change thereof is to be entered in Register of Members. The Registrar will certainly require their office address, & not their home address. I feel that Rule 2 is also very important & not necessary.

(c) Cls xi, Rule 5 — Under Sec 3 of the Act it is incumbent on the Society to give its name in the Memorandum of Rules. Under Sec 13 of the Act, a Society can change its name. But as there is no Act, anything is laid down, to enable a Society to change its name.

(d) Changing of a name of a Society, does not in any way affect the existence with the Statute Law. It is only a matter of procedure, & as such if that procedure is not laid down in the Act, then it may be laid down by Rules, but in doing so, it shall not contravene the general principles laid down in the Act. & Rule 5 may be framed on the lines of Sec 13 of the Act & may be worded as follows:—

(e) "Whenever it shall appear to the governing body of any Society registered under the Regulation, that it is advisable to alter, extend, or abridge its name, such governing body may submit the proposition to the members of the Society in writing or printed report & may convene a Special meeting for the consideration thereof according to the regulations of the Society;.

"but no such proposition shall

NOTE—Contn. Sheet.

Serial No.

be carried into effect unless such report shall have been delivered or sent by post to every member of the Society 10 days previous to the Special meeting convened for the purpose by such Committee thereof,

" nor unless such proposition shall have been agreed to by the votes of 3/5th of the members delivered in person or by proxy & certified under the votes of 3/5th of the members present at a second Special meeting convened for the purpose by such Board at an interval of not less than a week nor more than a month."

Such a rule of power will not be ultra vires, or it is not in accordance with the general principle of law laid down in the Act; & also because, change of name of a Society, is only a matter of routine.

In the proposed letter part of Rule 5 of "no such change shall take effect until they have been approved by the Registrar" now this part is ultra vires, because, as such thing is laid down in the Act itself. under Sec 13, change of the purpose of a Society can be effected, but Sec 13 does not lay down that such change shall not take effect until approved by the Registrar. such a declaration, makes the Registrar an authority which can prevail over the decision of the Society & if such a thing is desired, then it can be passed by the legislature itself

Serial No.

19) Nor or Rule 4. Rule 4 lays down the procedure to be adopted by a Change of Rules of a Society. This is a thing which affects all Societies. It does not deal with the ordinary working of procedure only, but it deals with the power of changing Rules which governs a Society. Such a power can only be given under a Statute & not under a Rule. Hence if such a Rule is needed, then it must be in the Act itself, or in the lines of Sec 13 of the Act. Power to alter, rescind or abolish Rules can only be conferred under a Statute of the legislature & not by the Rule framing authority. Hence Rule 4 is ultra vires.

20) Rule 6(1)(a) is also ultra-vires. Such a thing can only be done by the legislature & not by the Rule framing authority. By this Rule, the Govt seem to control the routine affairs of a Society. Whereas no such control is evidenced in the whole Act, in respect of the internal affairs of the Society. If such a thing is deemed necessary, it must be enacted by the Legislature & the Rule-framing authority has no power to do such a thing. (Vide also Sub-Sec 5(b) which renders 6(1)(a) useless)

'X' if such interference is needed, it must be by the Legislature & not by the Rule-framing authority.

21) Rule 6(1)(b) when read with Sec 13 lays down that a Special meeting may be convened according to the Regulations of the Society. Rule 6(1)(b) therefore seems to contravene the letter & spirit of Sec 13. Hence this also is not within the powers of the Rule-framing authority — & as such ultra-vires.

NOTE—Contn. Sheet.

5315
O

File No. of 193

General and Revenue Secretariat.

Serial No.

v) Rule 6 (iii), Rule 7, Rule 8 are also not within the powers of the rule-making authority. It is only the Legislature that has to frame such things & they should be in the Act itself. The remarks made in the reference to Rule 6 (1) (e) apply to these Rules also. These Rules are ultra-vires.

vi) Rule 6 (ii) – As to who should be a member of a Society – the Act is silent. It means that such a thing is to be determined by the Rules of each individual Society. Now this may be left to each individual Society – if it is desired to have such a Rule, then as to what is the service, will have to be provided by the Legislature, but the Act is silent as to the question of membership of a Society.

I find that amendments are necessary in the Act itself in various points – as such, amendments may be effected in the Act in the proper way.

Law Secretary) 3
29/4/[illegible]

vii) Under section 22, Government may frame rules to carry out the purposes of the Act. The purpose of the Act is set out in the Preamble as follows:- " ... provision should be made for improving the legal condition of societies..."

Viewed in this light, the rules contain provisions which go beyond the scope of the rule making power.

Serial No.

vested in the Government and make provision for matters which ought to be more properly embodied in the Act itself.

Rule 2. 2) Sections 3 and 4 of the Act set out the conditions to be satisfied before a Society can be registered under the Act. To these conditions the rules cannot add furtne conditions. It appears preferable to incorporate these additional conditions set out in rule 2 in the Act.

Rule 4. 3) The Act contemplates cases of societies which do not have rules at all (section 5). Such being the case, it does not appear necessary to set out in the rules how those rules of a society have to be changed. The require ment of approval by the Registrar to any such change is clearly ultra vires.

Rule 5. 4) The name of a society is part of the Memorandum unde section 3 of the Act. The purpose for which it is forme is also part of the Memorandum. While a change of the former is recognised and regulated by the Act (section 1 there is no mention of a change of name in the Act. It i better that a change of any part of the Memorandum is regulated by a provision in the Act, rather than by tne rules.

Rule 6. 5) Sub-rule (i)(a) is clearly ultra vires as it compel a society to have a annual general meeting, while sectic 5 contemplates cases where a society does not provide fc such a meeting in the rules, i.e., where no such meeting need be held under the provisions of the Act.

6) Sub-rule (i) (b). It appears better to leave it to the societies to frame rules or bye-laws in the matter of special meetings.

NOTE—Contn. Sheet.

Serial No.

Sub-rule (ii).. This is a rule of evidence and it is inappropriate in the rules.

Under section 5 (b) of the Act, the balance sheet and the statement of expenditure and income has to be audited by a certified auditor. A copy of it has to be filed with the Registrar. In the light of this provision, it may not be necessary to have a provision like rule 7. The provision about such an auditor's remuneration being charged to the society is not proper, when there is no such provision in the Act. Rule 7

This rule is clearly ultra vires as the penalty for omission to file lists is given in the Act as fine. (Section 5 (c). The rules cannot go beyond this provision of the Act by making the penalty something different, and treat the society as defunct. Rule 8.

Hm 2 4/6/40.

3) Bor/Secy Ber Cyc) 3 4/6/40

GEN. & R. 4 JUNE 1940 13 FOREST BRANCH.

Submitted for orders whether the file may be kept to the Registrar of J.S. Companies unofficially for further remarks.

to Hm 7/6/40

3) The file will be kept to the Registrar unofficially Dwks)

For further of perusal of the Law Dept officers

5/6/

Yes 14/6

SECY. DEPT. 8 JUN 1940

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

Memo No 325/1939-40) 1961 Leo

3) Forwarded with Compliments unofficially to the Registrar of Joint Stock Companies in reply Bangalore his favour of remarks.

By order

[illegible] 19/6/40

For Secretary to Government

Development Department

Memo No. C.838/39-Leo. 15-7-1940.

38) Returned with Compliments.

The draft rules were submitted to the Government for consideration on the lines of similar rules under the Indian Companies Act about in a simple form. The exact scope of Sec 22 of the Societies Registration Act — a section added by the Govt to the Bill but originally proposed by this Office — could not be discerned. There are no rules under the Cooperative Societies Act in British India. Nor have the new Sec 22 or the other sections introduced by Act of 1939 — providing for balance sheet etc.

3) The draft was prepared in order to provide for all class of questions relating to these societies which petitions had been receiving on or which Government had called for information

NOTE—Contn. Sheet.

REGISTRAR OF JOINT STOCK COMPANIES
RECEIVED
Date 20/6/40
REG. NO C838 39-40
AR 743
MYSORE

SEOY. DEV. DEPT.
16 JUL 1940
GOVT OF MYSORE

298 Blo

File No. of 194

General and Revenue Secretariat.

Serial No.

The only points in the Secty notes which I wish to draw attention is that Sec 5 of the Act does not refer to the possibility of a Society not having rules. As a copy of the rules has to be filed at the time of registration under Sec 3, there can be no registered Society without its rules. But Sec 5 (i) leaves it optional to a Society to provide in its rules for an annual meeting. But such an option is an anomaly now, after clause (ii) providing Compulsorily for a Balance sheet has been enacted. The Balance sheet obviously should be passed by the General Body.

Bangalore
15-7-40

SECY. DEV. DEPT. 12 JUL 1940 GOVT OF MYSORE

GEN. & REV. SECTT. 16 JULY 1940 AGRI. FOREST BRANCH.

(1) The file may perhaps be referred to the Law Secretary for favour of further remarks on the unofficial note of the Registrar. Let us

17/7/40

(2) Law Secy

(3) Law Secy

SECY. LAW DEPT. 29 JULY 1940 GOVT OF MYSORE

28/7

30/7/40

3

31/7/40

Draw 12 Gs. Ltr

31st July 1940.

Serial No.

(4) No doubt, the view of the Registrar of Joint-Stock Companies that "there can be no Registered Society without its rules" is correct. It is also correct to say that Sec 5 (a) of the Act leaves it optional to a Society to provide in its Rules for an annual meeting, & that under Sec 5 (b) a Balance Sheet has to be filed with the Registrar. Further, the Registrar thinks the option provided for in Sec 5 (a) is an anomaly & violates Sec 5 (b). There seems to be much force in this contention & the anomaly can be removed by amending Sec 5 (a) of the Act suitably.

(5) But pending these observations, if it is thought that Rule 4 as proposed may be retained, I think an objection that Rule 4 as proposed is ultra vires & incompetent but it is also otherwise - this would be met if Rule 4 as proposed.

The Act as provided for in Sec 13 the procedure to be adopted by a Society wanting to alter or abridge its purposes & in like manner, the Act may provide a procedure for Societies to change its rules. The provisions of Rule 4 may be incorporated in the Act only by amending the Scope of Sec 13 of the Act or by a Separate Sub-Section.

(6) Anyway, an amendment of the Act as a whole as noted above seems to be necessary.

Law Secretary 3 19/8/40

(7) I agree.

Hm 26/8/40

(8) Law Secy 3 29/8/40

lwm 19/8

SECY. DEV. DEPT. 28. AUG. 1940 GOVT OF MYSORE

GEN. & REV. SECT. - 2 SEP. 1940 FOREST BRANCH.

NOTE—Cont. on sheet.

File No. of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

52) The Bill may be amended as suggested by the Law Dept.
2nd draft)
Ce 17/9/40

JLL
14.9
Ce 14/9/40

53) Submitted for orders whether the file may be referred unofficially to the Registrar of Joint Stock Companies for sending his/her draft amendments to the Bill.
17/9/40 18.9

Y/18/9/40

No Memo No 24 received from Registrar

54) Forwarded with Compliments to the Registrar of Joint Stock Companies in reply for favour of furnishing draft amendments to the Societies Registration Bill

By order
for Secretary to Government
Development Department

NOC P38E/Pub
39.40

55) Returned with Compliments, with draft amendments.

Bryan Thomas
(8/10)

56) Typing Section for kindly putting up three copies of the draft amendments flagged A in the file on one side of the paper only

24/10/40

1340
25.02

20 SEP 1940
CS38
39.40
AR1501

TYPING SECT.
25 OCT. 1940
GEN. & REV. SECTT.

GEOY. DEV. DEPT.
22 OCT. 1940

GEN. & REV. SECTT.
23 OCT. 1940
ARTS & FOREST BRANCH.

Serial No.

52) The amendments suggested by the Registrar are laid out in the form of a statement with the remarks of the Secretariat thereon and submitted for perusal

53) Apart from the amendment suggested by the Registrar and those indicated in the Secretariat Note in the Statement it is for consideration whether it is not desirable to add a suitable provision on the lines of Section 141A of the Bombay Companies Act for the prosecution of offenders under the Act.

54) The existing Act with the proposed additions provides for the levy of fees for the registration of certain documents and a fine or penalty for default also. It is not improbable to have some societies which may not have sufficient funds for the payment of fees etc. Therefore a provision for the waiver or remission of the fees or fine or refunds seems necessary. If this is accepted the Registrar will be requested to forward a suitable provision to the existing Act providing for waiver, remission or refunds

55) Section 22 of the Act simply says that Govt may make rules for the purposes of the Act. This seems to be too wide and vague and it seems desirable to define the scope of making rules as far as possible on the lines of Section 44(2) of the Bombay Co-operative Societies Act by the addition of suitable provision to Section 22. Submitted for orders

4/12/39 12/12

56) The Registrar may perhaps be consulted again on the suggestions made above

23/12/39

30/12

31/12

NOTE--Contn. Sheet.

3570

File No. of 194 | General and Revenue Secretariat

Serial No.

c/f Memo no 160 of 1940-41 dt 3.1.1941

(a) Forwarded with compliments to the Registrar of Joint Stock Companies in Mysore unofficially for favour of remarks

By order

Hemaraja Rao
for Secretary to Government
Development Department 29/1/41

With Js 40 34 (1-37-40)

C 838/35-40
4-1-41

Returned with Compliments.

(a) I am of the opinion that no section similar to Sec^n 141 A of the Mysore Companies Act is necessary in the Societies Registration Act.

(b) The latter Act is not for association of persons for purpose of profit, but for the promotion of literature etc & for charitable purposes. It is undesirable to import into the provisions of this Act the elaborate provisions of the Companies Act. For definite criminal acts such as misappropriation of funds, the ordinary penal law is available.

(c) Waiver of fees or penalties need not be specially provided for. Govt can always write off a demand or remit an amount due.

(d) Elaboration of Sec 22 (2) appears unnecessary. It is an established principle that the rule making power can be exercised only in furtherance of the provisions of the Act & any rule not coming within the provisions of the Act itself is

Rec'd. SECT. DEPT. 6. OFFICE MYSORE

Serial No.

ultra vires Further any elaboration is only illustrative and not exhaustive as the phrase "in particular and without prejudice to the generality of the foregoing power" shows in Sec 4 4(2) of the C.S. Act

Regr of J.S.C.

4-1-41

EN. & REV. SECTT. 6 JAN. 1941 FOREST BRANCH.

65) The opinion of the Registrar of J.S. Companies and the remarks on the statement are laid for orders

Sd 7/1/41 8/1 — 66) For favour of perusal and orders. The amendments proposed by the Regr of J.S. Companies may be accepted and for the action taken in the matter of amending the Act

Sd/-

Dy No 30/1/41

67) Law Secy We

M. DEPT. 940 SORE

REV. SECRETARIAT 1 FEB. 1941

Hon 2 11/2/41.

3 1/2/41

Reference is invited to Govt no F 362-10-Legis 1-30-1 dated 16.7.30 laying down the procedure for dealing with measures proposed legislation.

Approval by the Governor and consideration by the Council and submission to His Highness for gracious approval have all to be gone through before action is called for in the Law Section.

NOTE---Contn. Sheet.

4517/? 940

File No. of 194 | General and Revenue Secretariat

Serial No.

Submitted for order.

Ord 3/12/41

May we send to the administrative section for needful action

3/12

Law Secy)

5-816/41/2

4/12/41.

GEN. & ST. DEPT. ... BRANCH.

Submitted for orders with reference to Paras 58-69 above

5/12/41

For favour of approval

Secy)

Please see within

When a Soc? becomes defunct as proposed in the last secn added in certain cases of "winding up" proceedings be necy ?

Yes, early please

9/12/41

If approved the file will be returned immediately to the Registrar of J.S. Companies in Mysore for favour of remarks.

19/12/41

Yes

Memo No 302 /41 E&C

Forwarded with Compliments to the Registrar of Joint Stock Companies for favour of remarks

Water Supply 40-34 (1.3.42)

19/12/41

For Secretary to Government Development Department

35[10]/39

Serial No.

C 838/39 (File)

7 V Returned with Compliments.

New Sec 22 B proposed is similar to Sec[n] 247 of the Mysore Companies Act. In order to clear the points raised by the Dist, Sec[y] the following words similar to those found in Sec 247 (5) of the Companies Act may be added to the new Sec[n] 22 B

"Provided that the liability (if any) of the members of the Governing Body or the members of the Society shall continue and may be enforced as if the Society had not been dissolved."

30-5-41

GEOY. DEPT. 31 MAY 1941 GOVT. MYSORE

29

This suggn. may be accepted Orders are solicited on the suggns in the Sit placed below showing the amends proposed,

31/5/41

2/6

OFFICE OF THE SECOND MEMBER OF COUNCIL - 2 JUN 1941 No. 12500

1st Member 1/6

2.6

2/6/41

5/6

87

Necessary amendments to Sections 4, 5 and 22 B have been incorporated in the Statement in accordance with the orders passed on the second Section in the Secretarial note. The file may now be sent to the Law Secretariat for kindly scrutinising

NOTE—Contn. Sheet.

3510/34/15

7451/640/P

J.S File No. of 1939. | General and Revenue Secretariat

Serial No.

the amendments to the Act and ~~Rules~~ suggesting alterations if necessary in the wordings. After the return of the file from the Law Secretariat a draft of the Statement of objects & reasons and general principles on the bill will be put up.

Submitted for orders
25/6/41

Advocate Law &c

Bill may be worked up by the Asst Secy Legislation Section

3
16/7/41

General and Revenue Secretariat
R. A. & L. C.

File No. of 194 App. F. III-2

Serial No.

83 The amendments to the Societies Registration Bill proposed in this file have been put in suitable form and are put up for consideration.

84 In the proposed addition at the end of the section 3 it will be seen that the alterations contemplated are either to the rules or the memorandum. In the former case, the new section 3A proposed requires that copies should be registered with the Registrar. As such, the proposed addition in section 3 is limited only to changes in the memorandum.

I agree
BKR
27.4.46

85 Section 13 relates to amendment of the objects of a society. The proposed section 3 A relates to an amendment of the rules. It is for consideration whether in regard to an amendment in the ~~memorandum~~ Rules. as ~~well as in the rules~~ in the case of the Memorandum two meetings of the general body is necessary. As rules have necessarily to be more flexible than the memorandum it may perhaps be sufficient if the new section 3 A provides only for one meeting. Section 13 ~~being~~ dealing with an amendment to one of the important contents of the memorandum provides for two meetings.

I agree
BKR
27.4.46

86 A new section 4 A has been proposed to be added providing for a filing fee in respect of the changes in rules or the name of the society (3 A) and also for a penalty for default. This may perhaps be unnecessary as default in filing will prevent the rules

NOTE—Contn. Sheet.

Societies Registration (amendment) Bill

File No.. of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

or the change in name from taking effect. (vide new 3A)

In clause (a) of section 5, certain words in addition to these proposed in the draft have been suggested for deletion as being unnecessary.

The proposed section 21 A has been somewhat recast so as to empower the Registrar to inspect rather than to compel him to do so in respect of every society.

Section 22 B has been renumbered as section 22 A as there is no section 22 A at all at present. This section has also been proposed to be recast since most of the matters set out in this proposed section could more conveniently come under the rules. The power is however given to the Registrar to declare the societies to be defunct. Instead of treating every society which fails to send returns as defunct power is given to the Registrar to declare them defunct in suitable cases.

I agree
BKR
27.4.42

I agree
BKR
27.4.42

25.4.42

Secy
RA&LC

A. I think that in addition to empowering the Registrar to inspect the Societies, it is also desirable that every Society should be inspected at least once in two years. Otherwise some Societies may not be inspected for a number of years. It may perhaps be urged that the Registrar may

Societies Registration (amendment) Bill

General and Revenue Secretariat
R. A. & L. C.

jsco
File No. 1115/M of 194 3570/39 App. F. III-2

Serial No.

DEWAN'S OFFICE
4. MAY 1942
NO. 9460

SECY. LAW DEPT. (J.S-6)
27 APR. 1942
GOVT OF MYSORE

SECY. TO GOVT
29. APR. 1942
MYSORE

OFFICE OF THE MINISTER FOR EDUCATION
Date. 1-5-42
No. S 7734

Submitted with a circulation memo
6/5/42

Note—Contn. Sheet.

CHIEF SECRETARY
6. MAY 1942
GOVT OF MYSORE

nor find sufficient time to inspect all the Societies. But ~~in~~ ~~both~~ it is open to him to authorise any other officer to do this work. I would have no objection to accept slightly altered Section 21 A (i), this would also be in accordance with the intentions of the administrative Section proposing the addition of Section 21 A.

I agree /

BKR 27-4-42

Law Secy) 29.4.42

The Bill with the alterations suggested above may be approved.

Dewan Secy) Mc. 28/4/42

For approval BKR 28.4.42

Min. Edn) WG 29/4/42 For 29.4

Sub^d for appl. 2.5.42

Council matter; may be disposed of by circulation. 2/5/42

Dewan) WG 2/5/42 For

Ch Secy) M/c WG 5/5/42 5/5/42 For

**For Disposal by Circulation.** **No. C. 963**

.....Q.1941-42

## GENERAL AND REVENUE SECRETARIAT

**Council Matter.**

*Subject*

THE SOCIETIES REGISTRATION (amendment) BILL.

*Circulated to the Council of Ministers.*

By Order.

W. S. [illegible]
7/5

.....6th May.....1942 *Chief Secretary to Government.*

---

**Minister for Finance and Revenue.** [illegible] 7.5.42

**Minister for Law.** [illegible] 9-5-42

**Minister for Education.** Seen

**Minister for Local Self-Government and Public Health.** [illegible] 11.5.42

WD 06346—GPB—500—24-3-42

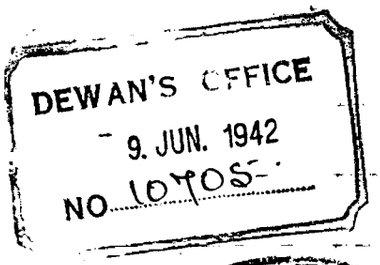
(Law Secretariat Concerned)

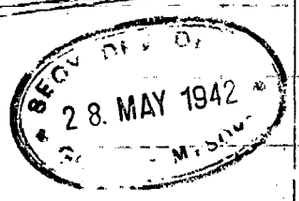
[illegible] 7/5 DFN

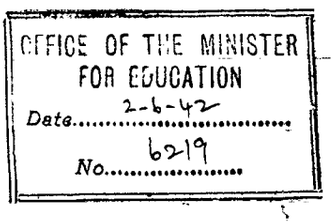
WP 12/5/42

3570/39

General and Revenue Secretariat | File No. | of 194 | [App. F. III—2




Serial No.

Submitted with a D.F.N. for above

28/5/42

28.5

Dew Secy) for appl.

Min. Edn) 31/5/42

6/6

F.N. placed below

8/6

S.N. submitted for appl.

Dewan) 9/6/42

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

**Final Note by the Minister for Education.**

***Subject.***— A Bill to further amend the Societies Registration Act III of 1904 amended by the Act V of 1939.

Act III of 1904

In March 1904 an Act was promulgated to improve the legal position of societies established for the promotion of literature, science, or the fine arts or for the diffusion of useful knowledge or for charitable purposes.

Act V of 39

As this Act was not found to be properly workable and as there were repeated representations on the floor of the Representative Assembly and Legislative Council for better control by Government over the societies which were being run with public funds, the Act was amended in February 1939 to enable the societies to get their accounts audited by certified or special auditors and file a copy of the same with the Registrar of Joint Stock Companies and empowering Government to make such rules as it thinks expedient to carry out the purposes of the Act.

The Registrar of Joint Stock Companies forwarded in January 1940 a set of rules to be framed under the Act. While examining these rules it was found that it would be better to incorporate some of these provisions in the Act itself and the question of amending the Act suitably was taken up and a Bill has been drafted incorporating certain provisions in the Act to ensure a better working of the societies and to empower the Registrar to have a fuller control over these societies.

It is proposed to place this Bill before the Representative Assembly at its next session in October 1942 and before the Legislative Council in its session in December 1942. The proposal has been agreed to by the Dewan and other Ministers and I solicit the gracious sanction of His Highness to place the Bill before the Representative Assembly and Legislative Council for consideration.

Bangalore,
8th June 1942.

MINISTER FOR EDUCATION.

*Submitted to His Highness.*

I submit herewith for His Highness's gracious approval a Final Note by the Minister for Education on the subject of the proposed bill to further amend the Societies Registration Act III of 1904 amended by the Act V of 1939, in order to provide for a better working of the societies and to empower the Registrar to have a fuller control over them.

N. Madhava Rau

D E W A N.

Bangalore,
9th June 1942.

Record of Cases submitted for the Orders of His Highness the Maharaja.

*Subject.*

A Bill to further amend the Societies Registration Act III of 1904 amended by the Act V of 1939.

*Order.*

11/6/42.

No 950

13/6

General and Revenue

Secretariat.

C 963

SUBJECT:—

A Bill to further amend the Societies Registration Act III of 1904 amended by the Act V of 1939.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or ndications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules.) (*)

13/6

*Chief Secretary to Government.*

Through the Secretary to Government,

Revenue Department. WP 15/6/42

8320 / 17.6.42 — Minister for Finance and Revenue. 16.6.42

12800 / 19.6.42 — Minister for Law. 19-6-42

6396 / 15.6.42 — Minister for Education. 15-6-42

7812 / 16.6.42 — Minister for Local Self-Govt. and Public Health. 16.6.42

Dy Secy w/c. 19/6

NOTE.—Contn. sheet

WD 06360—GPB—500—23-3-42

WP 22/6 PS 22/6

Societies Registration (amendment) Bill.

35-10
35

General and Revenue Secretariat | File No. 1115/M 2 of 194 | [App. F. III—2

Serial No.

The file may now refd to the Legislative Section for necessary action

24/6/42 [illegible]

Action will be taken to place this Bill before the Representative Assembly at its next Session in October 1942. Submitted for perusal.

24/6/42 Yes. Please put up the file well within time before the next Session

[illegible] RA 25.6.42

A Statement of principles is put up for approval.

9.9.42

Secy RA

[illegible] 9.9.42

SECY. LAW DEPT. 2767 G.P. 1942 GOVT OF MYSORE

Law Secy

May be approved

OFFICE OF THE MINISTER FOR EDUCATION Date 10.9.42 No. 1308

[illegible] 9-9-42

[illegible] 10.9.42

OFFICE OF THE SECRETARY Mr-2.V. 14 JUNE 1943 REPRESENTATIVE ASSEMBLY LEGISLATIVE COUNCIL

[illegible] 11-9-42

Recd from the Mr-2.V. after the file was returned by RA (S)

R. Section may be noted that this Bill was introduced in the RA and its consideration was postponed

[illegible] 12.9.42

R Hoffee

10/6/43

12.9.42

NOTE—Contn. sheet.

WD 04155—GPB—55,000—23-10-41

Societies Registration (Amt) Bill

File No. 1115/M. of 194 — General and Revenue Secretariat.

| Serial No. | |
|---|---|
| | The principles of the Bill were placed before the R.A. at the recent Budget Session on the 3rd June 1943 and were approved by the House. |
| | Orders of the Dewan have been obtained in File No 688/RL to publish the Bill and the Statement of objects and Reasons in the gazette under rule 36 of the Mysore Legislative Rules 1941. |
| | To, |
| | The compiler Mysore Gazette |
| | Attached No RL 1112 - dated 17th June 1943 |
| | Directs the publication of the Bill and the Statement of Objects and Reasons in the Gazette |
| | Orders of the Dewan have also been obtained to include the following motions in the list of Legislative Business to be transacted at the ensuing Session of the Legislative Council in the name of the Minister for public Works:- |
| | 1. The Minister for public Works to introduce the Societies Registration (Amendment) Bill |
| | 2. Also to move that the Bill be taken into consideration by the Council. |
| | The Bill and the Statement of objects and Reasons have been published in part IV-A of the Gazette dated 10th June 1943 |

Mysore Securities Registration (Amendment) Bill

Continuation Sheet. File No. 1115/RL/26/41 Page.
Current No.

3. Allotment that the Bill be passed

DN 15/6/43
BVN 15/6

The Bill was introduced in the legislative council at its recent Session and passed by it on 5th/11 July 1943

A Copy of the Bill as passed by the council and signed by the president, legislative council, is placed below.

A D.F.N. is submitted for approval

DN 15/7/43
BVN 15/7

Secy (RA-2c) BVN 15.7.43

BXR 15.7.43

Law Secy)

Submitted

15-7-43

Rules pro

BXR 15.7.43

F.N. placed below

1452 17/7

A D.S.N. is submitted for approval

DN 19/7/43
BVN 19/7

Secy (RA-2c) BVN 19.7.43

BXR 19.7.43

Dewan

OFFICE OF THE MINISTER FOR PUBLIC WORKS
16 JULY 1943
No. 329

SECY. LAW DEPT. 67 '43 GOVT OF MYSORE

## Final Note by the Minister for Public Works

*Subject.*—

PROMULGATION OF THE SOCIETIES REGISTRATION (AMENDMENT) BILL.

———

The gracious approval of His Highness was accorded on the 11th of June 1942 to place the Societies Registration (Amendment) Bill before the Representative Assembly and the Legislative Council. This Bill could not be proceeded with during the session of the Assembly held in October, 1942, for want of time and it was placed before that Chamber during its recent Budget Session and was approved by that House. The Bill was thereafter introduced in the Legislative Council during its recent session and passed by it.

A copy of the Bill as passed in the Council and signed by the President under Standing Order 44 of the Mysore Legislative Council Standing Orders is submitted herewith.

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

Bangalore,
16th July 1943.

MINISTER FOR PUBLIC WORKS.

*Submitted to His Highness..*

I submit herewith a Final Note by the Minister for Public Works on the subject of the promulgation into law of the Societies Registration (Amendment) Bill, for His Highness's gracious sanction.

N. N. Sharma Rau

Bangalore,
19th July 1943.

D E W A N.

**Record of Cases submitted for the Orders of His Highness the Maharaja.**

## *Subject.*

Proposal to promulgate into law the Societies Registration (Amendment) Bill.

No. 62

## *Order.*

27/7/'43.

Chief Secy
Dwn
30/7/43

WQ 30/7/43

General and Revenue

Secretariat.

C/24.

SUBJECT:—

Proposal to promulgate into law the Societies Registration (Amendment) Bill.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Vidyasankara
*Chief Secretary to Government.*
30/7/43

Through the Secretary to Government,

Law Department.

30-7-43

613
2/8

Minister for Revenue and Law. 3/8

646
30/7

Minister for Public Works. 29.7

891
31/7

Minister for Local Self-Govt. and Public Health. 31.7.43

627
31.7.43

Minister for Industries and ~~XXXXXX~~ Supplies. 31/7

611
28/7/43

Minister for Education. 2/8

Law Secy
WD 3/8/43

NOTE.—Contn. sheet

WD 02718—GPB—500—21-4-43

MWDV

4-8-43

BOR 5.8.43 BOR 4.8.43

The Societies Registration (Amendment) Act 1943

Continuation Sheet. File No. 350/43 Current No. 26 RL of Page.

The gracious assent of His Highness the Maharaja was accorded on the 27th day of July 1943 to promulgate the Bill into Law.

A draft g.o directing the publication of the Act as Act No XXXI of 1943 is submitted for approval.

Legy Dept 5/8/43

5-8-43

Secy. L. Dept. 1293 5/8/43 Govt of Mysore

5/8.

5-8-43

Legs Secy 5-8-43

Done 5-8-43

The compiler Mysore Gazette.

R.R. 169-Legis 9-43-1 dated 12th Aug 1943 directs the publication of the Act as Act No XXXI of 1943 which has been published in part IV-C of Gazette dated 19th Aug 1943.

A & F Branch (in note and return the file

Office

A & F. Branch)

27 AUG 1943 Secretary

24 27/8/43

Submit for perusal before returning the file to the Legislative Secretary for perusal.

31/8/43

Secy

Done 31-8-43

Office of the Secretary Mysore Representative Assembly and Council 1-9-43 31 AUG 1943

Submitted to the Assistant Secretary for perusal before return

31/8/43 Legislative Secy

31/8 Done

1/9/43

Appendix F G—1]

SUBJECT.....

.....

.....

Section 4A.

File No. 15-39

Serial No. 1

No. A 7/ 2671

*Diary No. of letter replied to*..... .....

To The Registrar of J. S. Courts

Sir

I am directed to state that Act I of 1939 to amend ~~the~~ the Societies Registration Act of 1909 empowers Govt to make rules for carrying out the purposes of the Act and to request you to kindly forward your views on the matter at an early date

I have etc

for Dewan Secy

General and Revenue Secretariat

( )

*the* *193*

Date of issue 22-11-39

Signed by E Wallace

Sub with a copy letter to the Registrar of J. Courts

17/11/39

TYPING SECTION 21 NOV 1939 REV. & GEN.

List of enclosures.....

Copied by.....

Examined by.....

GEN. & REV. CTT. BRANCH.

## NOTIFICATION.

*Order No. P. 4372—Legis. 31-38-1, dated, Bangalore, the 14th February 1939.*

Ordered that the accompanying Act to amend the Societies Registration Act, 1904, which received the assent of His Highness the Maharaja, on the seventh day of February 1939, be published as Act No. V of 1939, in the *Mysore Gazette* for general information.

K. SUBBA RAO,
*General Secretary to Government.*

## ACT V OF 1939.

*(Received the assent of His Highness the Maharaja on the seventh day of February 1939).*

**An Act to amend the Societies Registration Act, 1904.**

Whereas it is expedient to amend the Societies Registration Act, 1904; It is hereby enacted as follows:—

1. This Act may be called the Societies Registration (Amendment) Act, 1939.

Amendment of section 5 of Act III of 1904.

2. Section 5 of the Societies Registration Act, 1904 (hereinafter referred to as the said Act), shall be numbered as sub-section (a) thereof and the following sub-section shall be added as sub-section (b):—

> "(*b*) A copy of the balance sheet together with a statement of receipts and expenditure audited by a person who has been granted a certificate by the Government under section 144 of the Mysore Companies Act, 1938, or by a special auditor approved by the Government, shall also be filed with the Registrar of Joint-Stock Companies, at the same time."

Amendmnt of section 5 of Act III of 1904.

3. After sub-section (*b*) of section 5 of the said Act, the following sub-sections shall be inserted, as sub-sections (c) and (d):—

> "(*c*) A filing fee of eight annas each shall be paid along with the list and the balance sheet

referred to in sub-sections (a) and (b). The said fee may be paid either by affixing Mysore Court Fee Stamps or by crediting the amount to any Government Treasury and by attaching the duplicate chellan to the documents."

(*d*) If a society fails to submit the returns, as required by sub-sections (a) and (b) the Registrar shall issue a notice calling for the same to be submitted within a specified date not earlier than fifteen days from the date of notice. If such a society applies for extension of time before the date specified, the Registrar shall have the power to extend the period from time to time not exceeding two months in all from the date specified by the Registrar. If the society makes default in submitting the returns on or before the date specified by the Registrar, he shall levy a fine of eight annas for every day of default. The fine so levied shall be recoverable as an arrear of land revenue."

Addition of section 22 to Act III of 1904.

4. After section 21 of the said Act, the following new section shall be added, namely,—

"22. The Government may make such rules as it thinks expedient for carrying out the purposes of this Act."

MIRZA M. ISMAIL
*Dewan*

**Price: 0-0-3**

Printed by the Superintendent at the Government Press, Bangalore.

No. C 83-35-40.

Encl. nil

OFFICE OF THE REGISTRAR OF JOINT STOCK COMPANIES IN MYSORE,

Bangalore, dated 13th January 1940.

SECY. DEV. DEPT. 16. JAN. 1940 GOVT. OF MYSORE

GEN. & JUDL. SECTT. 16 JAN. 1940 AGRL. & FORE[illegible] BRANCH.

FROM

Rajasevaprasakta A.V. Ramanathan, Esquire, B.A.,
*Registrar of Joint Stock Companies in Mysore,*
*BANGALORE.*

To

Charles Noronha, Esquire, M.A.,
*Secretary to the Government*
*of His Highness the Maharaja of Mysore,*
*Development Department,*
*BANGALORE.*

R,

J. 15-39-2

With reference to your letter No.A.F.2471/J.S.15-39-1, dated the 24th November 1939, calling for a draft of the Rules under the Societies Registration Act III of 1904, as amended by the Act V of 1939, I have the honor to forward herewith a draft rules as called for.

I have the honor to be,
S i r,
Your most obedient servant,

13-1-40
REGISTRAR.

GG.

18/1/40.

# DRAFT RULES.

In exercise of the powers conferred by Section 22 of the Societies Registration Act III of 1904 (as amended by Act V of 1939) the Government of His Highness the Maharaja of Mysore are pleased to make the following rules which will take effect from the date of their publication in the Mysore Gazette.

---

## SOCIETIES REGISTRATION RULES 19 .

1. These rules may be called the Mysore Societies Registration Rules 19.

Situation of the office of a Society.

2. Every Society shall furnish to the Registrar at the time of registration, full information regarding the situation of the premises of the Society, and shall notify to the Registrar within 30 days any subsequent change occuring therein.

Changes in the Management.

3. Any change in the name and address of the Secretary, or Manager, shall be intimated to the Registrar within 30 days of its occurrence.

4. The rules of a Society may be changed by a resolution of the General Body of the Society passed at a meeting which has been duly notified by a written or printed notice delivered, or sent by post, to every member of the Society, Twenty One days previous to the special meeting convened for the said purpose; (ii) agreed to by the votes of not less than three-fifths of the members attending the meeting personally or by proxy and (iii) confirmed by the votes of three-fifths of the members present at a second Special meeting convened by the Governing Body at an interval of not less than One month after the former meeting.

Such rules shall become valid only after they are duly registered in the office of the Registrar.

P.T.O.

5. A Society registered under the Act may change its name after obtaining sanction of the General Body by a special resolution passed and confirmed in the manner laid down in Rule 4 of the Rules.

No such change shall take effect until they have been approved by the Registrar.

General Meeting.

6. (i) (a) A Society shall hold every year a General Meeting at which a report of the management of the Institution, for the previous year, together with an audited Balance Sheet, Receipts and Expenditure statements and the Auditor's Report shall be submitted for approval.

(b) A special meeting may be convened at any time on the requisition of the President or Chairman of the Executive Committee, if any, or on the requisition of not less than three members of the Executive Committee, or Seven members of the General Body of the Society, who shall state in writing the business for which they wish the meeting to be convened. The Secretary shall convene a meeting of the Society before the lapse of ten days from the date of receipt of the requisition.

(ii) If a member has no registered address in Mysore and has not supplied to the Society an address within Mysore for the giving of notice to him, a notice advertised in two ews papers, (one in English and the other in any of the vernacular languages,) circulating in the neighbourhood of the registered office of the Society, shall be deemed to be duly given to him on the day on which the advertisement appears.

Inspection, investigation of the affairs of a Society.

7. ~~(iii)~~ (a) Every Society shall be inspected at least once in two years by the Registrar, or by an officer authorised by him for the purpose.

(b) Where it appears to the Registrar that the affairs of

a Society (concerning its finances) call for investigation, it shall be competent for the Registrar to appoint a certified Auditor to investigate into the matter and fix his remuneration which shall be borne by the Society.

---

GG.

REGISTRAR. 13.1.40.

13/1/40.

Add the following as Rule 8 to the draft Rules proposed to be framed under the Mysore Societies Registration Act III of 1904 as amended by Act V of 1939.

---

Proceedure for removing a defunct Society.

8. The Registrar should issue reminders to the Societies for ~~of~~ the filing of the overdue lists of members of the Governing Body in the form annexed herewith. The reminders should be sent to the personal address of the President, Secretary or other responsible officer of the Society as given in the last list on record. When a registered notice acknowledgment due, has been sent in the complete form as set out in the annexure allowing at least a month's time for the filing of the overdue lists and the Society omits to file such lists and, has not applied for, and obtained, from the Registrar an extension of time for the filing of the lists, it shall be treated as having become defunct, and the Registrar will notify it accordingly. Its records will then be destroyed in due course, and the incorporation of the Society under the Societies Registration Act III of 1904 (as amended by Act V of 1939) shall cease.

---

DRAFT RULES

Serial No.

In the preamble of Act III of 1904 the words "regulating, controlling and" may be added after the word 'for' occuring in line 2 of the said preamble.

N O T E S:--

This is essential as the existing preamble allows amendments to the Act, which are only in the nature of improving the legal condition of Societies. The proposed amendment to the Act goes beyond the scope of the Act if the preamble is allowed to remain without any change.

SECTION 1.

This Act may be called the Societies Registration (amendment) bill of .....

Section 2.

Amendment to Section 3 of Act III of 1904.

The following words shall be inserted in Section 3 of Act III of 1904 after the words "the management of its affairs is entrusted."

'the situation of the premises of the Society.

The following sentence shall be added as last para to Section 3.

"In the event of any alteration being made in such instrument or address or in the name and address of the Secretary or Manager, the society shall intimate the same to the Registrar within thirty days of its occurance."

Notes:-

Under the existing provisions of this Act the situation of the premises of the society need not form

NOTE—Contn. Sheet.

P.T.O.

File No. of 194 | General and Revenue Secretariat

Serial No.

part of the Memorandum of Association of the society. As there is no other provision under which the intimation of the situation of the premises of the society is made obligatory on the part of the management of the institution this amendment is proposed.

The last sentence has been introduced in order to make it compulsory on the part of the management of the society to keep the Registrar posted with up-to-date information regarding the nature of the work of the Society as also the persons who are responsible for its management. This brings this part of the Act on a line with the Mysore Companies and Insurance Acts.

Section 3.

After Section 3 the following new Section shall be added, as Section 3A.

Addition of Section 3 A to Act III of 1904.

Sec. 3 A. "The name and rules of a society may be changed by a resolution of the general body of the society passed at a meeting which has been duly notified by a written or printed notice delivered or sent by post to every member of the Society twentyone days prior to the special - meeting convened for the said purpose;

ii) agreed to by the votes of not less than three fifths of the members attending the meeting personally or by proxy and,

iii) confirmed by the votes of three fifths of the members present at a second special meeting convened by the general body at an interval of not less than one month after the former meeting.

Such rules shall become valid only after they are

duly registered in the office of the Registrar. The change in the name of the society shall take effect only after it has been approved by the Registrar.

N O T E S: --

This amendment lays down the procedure by which the name and rules of the society may be changed. The registration of any such change in the rules, with the Registrar has been made compulsory. The change in the name of the society will be allowed only after it has been approved by the Registrar.

Section 4.

Addition of Section 5 A to Act III of 1904.

Add the following as a new Section after Section 5 of Act III of 1904.

5. A. 1) a) All societies registered under this Act shall hold every year a general meeting at which a report of the management of the institution for the previous year, together with an audited copy of the balance sheet, receipts and expenditure statement and the auditors report shall be submitted for approval.

b) A special meeting may be convened at any time on the requisition of the President or chairman of the executive committee, if any, or on the requisition of not less than three members of the executive committee or seven members of the general body of the society, wh shall state in writing the business for which they wish the meeting to be convened. The Secretary shall convene a meeting of the society before the lapse of ten days from the date of the receipt of the requisition.

ii) If a member has no registered address in

P.T.O.

Mysore and has not supplied to the Society an address within Mysore for the giving of notice to him, a notice advertised in two news-papers (one in English and the other in any of the vernacular languages) circulating in the neighbourhood of the registered office of the society, shall be deemed to be duly given to him on the day on which the advertisement appears".

N O T E S: -- This amendment prescribes that every society shall hold annually a general body meeting and a report regarding the affairs of the society for the previous year submitted to the members. This amendment has been introduced in order to make the management more responsible as an annual report from them has to be submitted to the general body for approval. There is a similar provision in the Mysore Companies Act.

Section 5.

Add the following as a new Section after Section 21.

Addition of Section 21 A to Act III of 1904.

Section 21 A:- (a) Every society shall be inspected at least once in two years by the Registrar, or by an officer authorised by him for the purpose.

(b) where it appears to the Registrar that the affairs of a Society call for investigation, the Registrar may appoint a certified auditor to investigate the affairs of such society and fix his remuneration which shall be borne by such society.

N O T E S: -- In order to increase the powers of the Registrar over the management of the societies this amendment on the lines of the Mysore Companies Act is

suggested. Under the present law the Registrar has no powers either by way of inspection of a society or - authorise an investigation into the working of a society. Unless the Registrar is empowered with these powers it is not possible to either to have control or investigate the affairs of a society regarding which complaints may be made to the Registrar.

Section 6.

Addition of Section 22 B to Act III of 1904.

The following shall be added as a new Section after Section 21 A.

Section 22 B:- The Registrar should issue notice to the societies for the filing of the over due lists of members of the governing body in the form contained in Schedule A. The notice should be sent to the personal address of the President, Secretary, or other responsible officer of the society as given in the last list on record. When a registered notice, acknowledgment due has been sent in the form as set out in Schedule A allowing at least a month's time for the ~~fixi~~ filing of the overdue lists and the society omits to fil such lists and has not applied for and obtained from the Registrar, an extension of time for the filing of the lists, the society shall be treated as having become defunct and the Registrar will notify it accordingly and the incorporation of the society under this Act shall cease.

Provided that the liability (if any) of the members of the Governing Body or of the members of the body to continue and may be enforced as if the body had not been dissolved.

NOTES: -- This amendment gives a statutory basis to the procedure suggested by the Registrar on the model of the procedure then existing in Madras, and - approved by Government in their letter No.D.2273/J.S.

P.T.O.

40-34-10 dated the 2nd October 1934.

SCHEDULE A.

The accompanying form of a letter will be treated as Schedule A.

A. Venkatramaiah

FOR REGISTRAR,
(Registrar absent on Casual Leave).

21/10

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

D.F.N

A Bill to further amend the Societies Registration Act III of 1904 amended by the Act V of 1939

Act III of 1904

In March 1904 an Act was promulgated to incorporate the legal position of societies established for the promotion of literature, science or the fine arts or for the diffusion of useful knowledge or for charitable purposes.

Act V of 1939

As this Act was not found to be properly workable and as there were repeated representations on the floor of the R.A. & L.C. for better control by Govt over the societies which were being run with public funds the Act was amended in July 39 to enable the societies to get their accounts audited by Certified or Special auditors and

WD 0255—GPB—10,000—23-8-32

like a copy of the Rules with the Registrar of J.S. Co. and empowering him to make such rules that it thinks expedient to carry out the purposes of the Act.

The Registrar of J.S. Companies forwarded in January 1940 a set of rules to be framed under the Act. While examining these rules it was found that it would be better to incorporate some of these provisions in the Act itself and the question of amending the Act suitably was taken up and a Bill has been drafted incorporating certain provisions in the Act to ensure a better working of the Courts and to empower the Registrar to have a fuller control over these matters.

It is proposed to place this Bill before the R.A at its next session in October 1942 and the L.C in its session in December 1942. The proposed legislation agreed by the Dewan and

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Minister and I shall then proceed
to move the adoption of H.C. to place the
Bill before the R.A. & L.C. for
Consideration

JPM

WD Minister for Edn

31/5/32

JM

THE SOCIETIES REGISTRATION (amendment) BILL.

Statement of Principles.

The Societies Registration Act, 1904, even after the amendment in 1939, does not ensure proper control by Government. Being Societies, which are run with public funds, they require an adequate measure of control. The present Bill seeks to provide this.

Under the Bill a general annual meeting of the Society is made compulsory, so as to make the management more responsible to the general body than hitherto-fore. Every change in the memorandum or rules has to be intimated to the Registrar and every change in the latter will become operative only after registration by him. For a change in the rules, a safe procedure is provided for statutorily.

As there are a number of Societies which are not functioning or are not sending proper returns to the Registrar and there is at present no provision to remove them from the list of Registered Societies, a provision is included empowering the Registrar in suitable cases and after notice, to treat them as defunct and to remove their names from the list.

The Registrar is required to inspect every Society once, at least, every two years. This is expected to result in a sufficient satisfactory measure of control and supervision over all the Societies registered under this Act.

---

PR.

*THE SOCIETIES REGISTRATION (amendment) BILL.*

*Statement of Principles.*

*The Societies Registration Act, 1904, even after the amendment in 1939, does not ensure proper control by Government. Being Societies, which are run with public funds, they require an adequate measure of control. The present Bill seeks to provide this.*

*Under the Bill a general annual meeting of the Society is made compulsory, so as to make the management more responsible to the general body than hitherto-fore. Every change in the memorandum or rules has to be intimated to the Registrar and every change in the latter will become operative only after registration by him. For a change in the rules, a safe procedure is provided for statutorily.*

*As there are a number of Societies which are not functioning or are not sending proper returns to the Registrar and there is at present no provision to remove them from the list of Registered Societies, a provision is included empowering the Registrar in suitable cases and after notice, to treat them as defunct and to remove their names from the list.*

*The Registrar is required to inspect every Society once, at least, every two years. This is expected to result in a sufficient satisfactory measure of control and supervision over all the Societies registered under this Act.*

---

*PR.*

## 21. THE SOCIETIES REGISTRATION (Amendment) BILL.

### Statement of Principles.

The Societies Registration Act, 1904, even after the amendment in 1939, does not ensure proper control by Government. Being societies which are run with public funds, they require an adequate measure of control. The present Bill seeks to provide this.

Under the Bill a general annual meeting of the Society is made compulsory, so as to make the management more responsible to the general body than hitherto. Every change in the memorandum or rules has to be intimated to the Registrar and every change in the latter will become operative only after registration by him. For a change in the rules, a safe procedure is provided for statutorily.

As there are a number of Societies which are not functioning or are not sending proper returns to the Registrar and there is at present no provision to remove them from the list of Registered Societies, a provision is included empowering the Registrar in suitable cases and after notice, to treat them as defunct and to remove their names from the list.

The Registrar is required to inspect every Society once at least every two years. This is expected to result in a sufficient satisfactory measure of control and supervision over all the societies registered under this Act.

### THE SOCIETIES REGISTRATION (Amendment) BILL.

Whereas it is expedient further to amend the Societies Registration Act, 1904;

It is hereby enacted as follows:—

1. (*i*) This Act may be called the Societies Registration (Amendment) Act 194 .

(*ii*) It shall come into force at once.

2. In the preamble to the Societies Registration Act, 1904, (hereinafter referred to as the said Act) after the words "made for", the words "regulating, controlling and" shall be inserted.

3. In section 3 of the said Act—

(*i*) after the words "the management of its affairs is entrusted" the words "the situation of the premises of the Society" shall be inserted;

(*ii*) the following words shall be added at the end, namely,—

"Every change in the memorandum of association shall, within 30 days of the making thereof, be filed with the Registrar."

4. After section 3 of the said Act, the following new section shall be inserted, namely—

"3-A (*i*) The name or the rules of a Society may be changed by a resolution of the general body passed by a majority of not less than three-fifths of the members as are present in person or by proxy (where the rules provide for voting by proxy), at a special meeting convened for this purpose, of which written or printed notice shall

have been delivered or sent by post to every member of the society within 21 days prior to the date of the meeting.

(*ii*) Such change in the rules shall take effect only after they are duly registered in the office of the Registrar. A change in the name of the Society shall take effect only after it has been approved by the Registrar."

5. In clause (*a*) of section 5 the words "according to the rules of the Society" and "or if the rules do not provide for annual general meeting, in the month of January" shall be omitted.

6. After section 5 of the said Act, the following new section shall be inserted, namely—

"5-A. (1) All societies registered under this Act shall hold every year a general meeting at which the report of the management of the institution for the previous year, together with an audited copy of the balance sheet, receipts and expenditure statement and the auditor's report shall be submitted for approval.

(2) A special meeting may be convened at any time on the requisition of the President or Chairman of the executive committee, if any, or on the requisition of not less than three members of the executive committee or seven members of the general body of the society, who shall state in writing the business for which they wish the meeting to be convened. The Secretary shall convene a meeting of the society before the lapse of ten days from the date of the receipt of the requisition.

(3) If a member has no registered address in Mysore and has not supplied to the Society an address within Mysore for the giving of notice to him, a notice advertised in two newspapers (one in English and the other in any of the vernacular languages) circulating in the neighbourhood of the registered office of the society, shall be deemed to be duly given to him on the day on which the advertisement appears."

7. After section 21 of the said Act, the following new sections shall be inserted, namely—

"21-A (*i*) Every society shall be inspected at least once in two years by the Registrar or an officer authorised by him in this behalf who shall be entitled to inspect the premises of any society and shall also be entitled to call for such information or explanation within such time as may be specified by him.

(*ii*) Where it appears to the Registrar that the affairs of a society call for investigation, the Registrar may appoint a certified auditor to investigate the affairs of such society and may fix his remuneration which shall be borne by the Society.

21-B. Where default is made by a society in filing with the Registrar, any change in the memorandum of association, the Registrar may, after calling upon such society to furnish details of such change within a specified time and on the failure of the society to do so, treat the society as having become defunct whereupon the incorporation of the society under this Act shall cease:

Provided that the liability, if any, of the members of the governing body or the members of the society, as the case may be, shall continue and may be enforced as if the society had not become defunct."

# THE SOCIETIES REGISTRATION (Amendment) BILL.

| Existing provision | Proposed amendment | Section as amended. |
|---|---|---|
| I. Preamble to the Societi n Act:- | | |
| Whereas<br>"~~Whereas~~ it is expedient that provision should be made for improving the legal condition of societies established for the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledge or for charitable purposes; His Highness the Maharaja is pleased to enact as follows:" | Insertion of the words "regulating, controlling and" after the words "established for" | Whereas it is expedient that provision should be made for improving the legal condition of societies established regulating, controlling, and the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledge or for charitable purposes; His Highness the Maharaja is pleased to enact as follows" |
| I Section (3) of the said Act<br>"The memorandum of ~~association~~ association shall contain the following things (that is to say)<br>the name of the society:<br>the object of the society:<br>the names, addresses, and occupations of the governors, council, directors, committee or other governing body to whom, by the rules of the society, | (1) Insertion of the words "the situation of the premises of the Society" after the words "the management of its affairs is entrusted" | Section (3)<br>"The memorandum of association shall contain the following things (that it to say)<br>the name of the society:<br>the object of the society:<br>the names, addresses, and occupations of the governors, council, directors, committee or other governing |

| Existing provision | Proposed amendment | Section as amended |
|---|---|---|
| the management of its affairs is entrusted.<br>A copy of the rules and regulations of the society, certified to be a correct copy by not less than three of the members of the governing body shall be filed with the memorandum of association. | (2) addition of certain words at the end. | body to whom, by the rules of the society, the management of its affairs is entrusted, the situation of the premises of the Society<br>A copy of the rules and regulations of the society, certified to be a correct copy by not less than three of the members of the governing body, shall be filed with the memorandum of association.<br>"Every change in the memorandum of association shall, within 30 days of the making thereof, be filed with the Registrar" |
| III Clause (a) of Section 5 of the said Act.<br>Once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the society, the annual general meeting of the society is | Omission of the words "according to the rules of the Society" and" or if the rules do not provide for annual general meeting, in the month of January" | Clause (a) of Section 5<br>Once in every year, on or before the fourteenth day succeeding the day on which the annual general meeting of the society is held [illegible] |

THE SOCIETIES REGISTRATION (Amendment) BILL (Contd.)

| Existing provision | Amendment proposed | Section as amended |
| --- | --- | --- |
| [illegible]or, if the rules do not provide for [illegible]nnual general meeting, in the month of [illegible]anuary, a list shall be filed with the Registrar of Joint-stock Companies of the names, addresses and occupations of the governors, council, directors, committee or other governing body then entrusted with the management of the affairs of the society. | | shall be filed with the Registrar of Joint-Stock Companies of the names, addresses and occupations of the governors, council, directors, committees or other governing body then entrusted with the management of the affairs of the society. |

Societies registration (amend) Bill



## 21 ಸಂಘಗಳನ್ನು ರಿಜಿಸ್ಟರುಮಾಡುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ (ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನಿನ ನಿಯಮಗಳ ವಿವರ.

ಸಂಘಗಳನ್ನು ರಿಜಿಸ್ಟರು ಮಾಡುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ 1904ನೆಯ ಇಸವಿಯ ಆಕ್ಟನ್ನು 1939ನೆಯ ಇಸವಿಯಲ್ಲಿ ತಿದ್ದುಪಾಟು ಮಾಡಲಾಯಿತಷ್ಟೆ. ಹಾಗೆ ತಿದ್ದುಪಾಟುಮಾಡಿದ ಮೇಲೂ ಸಹ, ಸಂಘಗಳ ಮೇಲೆ ಸರ್ಕಾರದವರು ಸರಿಯಾದ ಹತೋಟಿಯಿಟ್ಟುಕೊಳ್ಳಲು ಆ ಆಕ್ಟಿನ ನಿಯಮಗಳು ಈಗ ಅಷ್ಟು ಸಹಾಯಕವಾಗಿಲ್ಲ. ಸಾರ್ವಜನಿಕರಿಂದ ಬರತಕ್ಕ ಹಣಗಳ ಸಹಾಯದಿಂದ ಈ ಸಂಘಗಳ ಕೆಲಸಗಳು ನಡೆಯುತ್ತಿರುವುದರಿಂದ ಅವುಗಳ ಮೇಲೆ ಸಾಕಾದಷ್ಟು ಹತೋಟಿಯಿರಬೇಕಾದ ಆವಶ್ಯಕತೆಯಿದೆ. ಅಂಥಾ ಹತೋಟಿಗೆ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸುವುದೇ ಈ ಮಸೂದಾ ಕಾನೂನಿನ ಉದ್ದೇಶವಾಗಿದೆ.

ಸಂಘದ ಸಕಲ ಸದಸ್ಯ ಸಭೆಯು (ಎಂದರೆ, "ಜನರಲ್ ಮೀಟಿಂಗ್") ವರ್ಷಕ್ಕೊಂದು ಸಾರಿ ನಡೆಯಲೇಬೇಕೆಂಬುದಾಗಿ ಈ ಮಸೂದಾ ಕಾನೂನಿನ ಮೂಲಕ ನಿರ್ಬಂಧವನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ. ಇದರಿಂದ, ಸಂಘಗಳ ಆಡಳಿತಗಾರರು ಸಂಘದ ಸಕಲ ಸದಸ್ಯ ವರ್ಗಕ್ಕೆ (ಎಂದರೆ, "ಜನರಲ್ ಬಾಡಿ" ಗೆ) ಈಗಿರುವುದಕ್ಕಿಂತಲೂ ಹೆಚ್ಚಾಗಿ ಜವಾಬ್ದಾರರಾಗಿರಲು ಅವಕಾಶವಾಗುತ್ತದೆ. ಮೆಮೊರಾಂಡಮಿನಲ್ಲಾಗಲಿ ಅಥವಾ ನಿಬಂಧನೆಗಳಲ್ಲಾಗಲಿ ಆಗಬೇಕಾದ ಪ್ರತಿಯೊಂದು ಬದಲಾವಣೆಯನ್ನೂ ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರಾರರವರಿಗೆ ತಿಳಿಸಬೇಕೆಂದೂ ಮತ್ತು ನಿಬಂಧನೆಗಳಲ್ಲಾಗತಕ್ಕ ಪ್ರತಿಯೊಂದು ಬದಲಾವಣೆಯೂ ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರಾರರವರಿಂದ ರಿಜಿಸ್ಟರ್ಮಾಡಲ್ಪಟ್ಟ ತರುವಾಯವೇ ಜಾರಿಗೆ ಬರಬೇಕೆಂದೂ ವಿಧಿಸಲಾಗಿದೆ. ನಿಬಂಧನೆಗಳ ಬದಲಾವಣೆ ನಡೆಯುವಲ್ಲಿ ಕೂಡ ವಿಹಿತ ರೀತಿಯಲ್ಲಿ ಮಾತ್ರವೇ ನಡೆಯುವಂತೆ ಕಾನೂನಿನ ಮೇರೆಗೆ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ.

ಅನೇಕ ಸಂಘಗಳಲ್ಲಿ ಕೆಲಸ ಕಾರ್ಯಗಳೇ ನಡೆಯುತ್ತಿಲ್ಲ ಅಥವಾ ಆ ಸಂಘಗಳವರು ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರಾರರವರಿಗೆ ಸರಿಯಾದ ಲೆಕ್ಕದ ವರದಿಗಳನ್ನು ಒಪ್ಪಿಸುತ್ತಿಲ್ಲ. ಇಂಥ ಸಂಘಗಳನ್ನು ರಿಜಿಸ್ಟರಾದ ಸಂಘಗಳ ಪಟ್ಟಿಯಿಂದ ವಜಾ ಮಾಡಲು ಈಗಿನ ಕಾನೂನಿನ ಮೇರೆಗೆ ಅವಕಾಶವಿಲ್ಲ. ಆದುದರಿಂದ, ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅಂಥ ಸಂಘಗಳಿಗೆ ಮುಂಚಿತವಾಗಿ ತಿಳಿವಳಿಕೆಯನ್ನು (ನೋಟೀಸನ್ನು) ಕೊಟ್ಟ ತರುವಾಯ, ಅವುಗಳು ಕೆಲಸ ನಡೆಯಿಸದೆ ಇರತಕ್ಕ ಸಂಘಗಳೆಂದು ಧಾವಿಸಿ ಅವುಗಳ ಹೆಸರುಗಳನ್ನು ಅಂಗೀಕೃತವಾದ ಸಂಘಗಳ ಪಟ್ಟಿಯಿಂದ ತೆಗೆದುಹಾಕುವುದಕ್ಕಾಗಿ, ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರಾರರವರಿಗೆ ಅಧಿಕಾರ ಕೊಡತಕ್ಕ ಒಂದು ನಿಯಮವನ್ನು ಈ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ಕಲ್ಪಿಸಲಾಗಿದೆ.

ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರಾರರವರು ಕೊನೆಯಪಕ್ಷ ಎರಡು ವರ್ಷಗಳಿಗೊಂದು ಸಾರಿಯಾದರೂ ಪ್ರತಿಯೊಂದು ಸಂಘವನ್ನೂ ಅಜಮಾಯಿಷಿ ಮಾಡಬೇಕೆಂದು ಸಹ, ಈ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ನಿಯಮವನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ. ಇದರಿಂದ ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ರಿಜಿಸ್ಟರಾದ ಎಲ್ಲ ಸಂಘಗಳ ಮೇಲೂ ಸಾಕಾದಷ್ಟು ತೃಪ್ತಿಕರವಾದ ರೀತಿಯ ಹತೋಟಿಯನ್ನೂ ಮತು ತನಿಖೆಯನ್ನೂ ಕಲ್ಪಿಸಿದಂತಾಗುತ್ತದೆಂದು ನಿರೀಕ್ಷಿಸಲಾಗಿದೆ.

## ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರೇಷನಿಗೆ ಸಂಬಂಧಪಟ್ಟ (ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನು.

ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರೇಷನಿಗೆ ಸಂಬಂಧಪಟ್ಟ 1904ನೆಯ ಇಸವಿಯ ಆಕ್ಟನ್ನು ಮತ್ತಷ್ಟು ತಿದ್ದುಪಾಟು ಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ,

ಈ ಮೂಲಕ ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಕಾನೂನನ್ನು ವಿಧಾಯಕ ಮಾಡಲಾಗಿದೆ :—

ಚಿಕ್ಕ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ.

1. (1) ಈ ಆಕ್ಟನ್ನು ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರೇಷನಿಗೆ ಸಂಬಂಧಪಟ್ಟ 194....ನೆಯ ಇಸವಿಯ (ತಿದ್ದುಪಡಿ) ಆಕ್ಟೆಂದು ಕರೆಯಬಹುದು.

(2) ಇದು ಕೂಡಲೆ ಜಾರಿಗೆ ಬರತಕ್ಕುದು.

1904ನೆಯ ಇಸವಿಯ IIIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ ಅವತರಣಿಕೆಯ ತಿದ್ದುಪಡಿ.

2. ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರೇಷನಿಗೆ ಸಂಬಂಧಪಟ್ಟ 1904ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನ (ಇನ್ನು ಮುಂದೆ ಅದನ್ನು ಆಕ್ಟು ಎಂದು ಕರೆಯಲಾಗುವುದು) ಅವತರಣಿಕೆಯಲ್ಲಿ "ವ್ಯವಹಾರಾನುರೂಪವಾದ ಸ್ಥಿತಿಯನ್ನು" ಎಂಬ ಪದಗಳ ತರುವಾಯ "ಅಭಿವೃದ್ಧಿ ಪಡಿಸುವುದಕ್ಕೋಸ್ಕರ ಉಪಾಯಮಾಡುವುದು" ಎಂಬ ಪದಗಳಿಗೆ ಬದಲಾಗಿ "ಕ್ರಮಗೊಳಿಸುವುದಕ್ಕಾಗಿಯೂ, ಹತೋಟಿಯಲ್ಲಿಡುವುದಕ್ಕಾಗಿಯೂ ಮತ್ತು ಅಭಿವೃದ್ಧಿಪಡಿಸುವುದಕ್ಕಾಗಿಯೂ ತಕ್ಕಂತೆ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಬೇಕಾದುದು" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕುದು.

1904ನೆಯ ಇಸವಿಯ IIIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 3ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.

3. ಆಕ್ಟಿನ 3ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ—

(1) "ಸಂಘದ ಕಾರ್ಯಗಳ ನಿರ್ವಾಹವು ಅದರ ನಿಬಂಧನೆಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ಯಾರಿಗೆ ಒಪ್ಪಿಸಲ್ಪಟ್ಟಿರುತ್ತದೆಯೋ ಆ ಅಧಿಕಾರಿ (ಗವರ್‌ನರ್)ಗಳು, ಆಲೋಚನಾ ಸಭೆ (ಕೌನ್ಸಿಲ್), ಆಡಳಿತಗಾರರು (ಡೈರೆಕ್ಟರುಗಳು), ಅಧಿಕಾರ ಸಭೆ (ಕಮಿಟಿ) ಅಥವಾ ಇತರ ಕಾರ್ಯನಿರ್ವಾಹಕ ಸಭೆಯವರುಗಳ ಹೆಸರುಗಳು, ವಿಳಾಸಗಳು, ಉದ್ಯೋಗಗಳು" ಎಂಬ ಪದಗಳ ತರುವಾಯ "ಸಂಘದ ವಹಾರಪಿರತಕ್ಕ ಸ್ಥಳ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕುದು.

(2) ಕೊನೆಯಲ್ಲಿ ಈ ಕೆಳಗೆ ಕಂಡ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕುದು. ಅವು ಯಾವು ವೆಂದರೆ :—

"ಸಂಘದ ಯಾದಾಸ್ತಿನಲ್ಲಿ (ಎಂದರೆ ಮೆಮೊರಾಂಡಂ ಆಫ್ ಅಸೋಸಿಯೇಷನಿನಲ್ಲಿ) ಮಾಡತಕ್ಕ ಪ್ರತಿಯೊಂದು ಬದಲಾವಣೆಯನ್ನೂ, ಆ ಬದಲಾವಣೆಯನ್ನು ಮಾಡಿದ 30 ದಿನಗಳೊಳಗಾಗಿ, ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರಾರರವರಲ್ಲಿ ದಾಖಲು ಮಾಡತಕ್ಕುದು."

1904 ನೆಯ ಇಸವಿಯ III ನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನಲ್ಲಿ 3-A ಪ್ರಕರಣವನ್ನು ಹೊಸದಾಗಿ ಸೇರಿಸುವುದು.

4. ಆಕ್ಟಿನ 3ನೆಯ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಕೆಳಗೆ ಕಂಡ ಹೊಸ ಪ್ರಕರಣವನ್ನು ಸೇರಿಸತಕ್ಕುದು. ಅದು ಯಾವುಥೆಂದರೆ :—

"3-A. (i) ಒಂದು ಸಂಘದ ಹೆಸರನ್ನೂ ಮತ್ತು ನಿಬಂಧನೆಗಳನ್ನೂ ಬದಲಾಯಿಸಬೇಕಾದರೆ, ಆ ಸಂಘದ ಸಕಲ ಸದಸ್ಯರುಗಳ ವಿಶೇಷ ರೀತಿಯ ಸಭೆಯನ್ನು, ಈ ಉದ್ದೇಶಕ್ಕಾಗಿಯೇ ಪ್ರತಿಯೊಬ್ಬ ಸದಸ್ಯರಿಗೂ ಕೈ ಬರಹದ ಅಥವಾ ಮುದ್ರಿತವಾದ ನೋಟೀಸುಗಳನ್ನು ಆ ಸಭೆಯು ಸೇರುವುದಕ್ಕೆ 21 ದಿನಗಳು ಪೂರ್ವಭಾವಿಯಾಗಿ ಕೊಡುವುದರ ಮೂಲಕ ಅಥವಾ ಟಪ್ಪಾಲಿನಲ್ಲಿ ಕಳುಹಿಸುವುದರ ಮೂಲಕ ಸೇರಿಸಿ ಆ ಸಭೆಯಲ್ಲಿ ಹಾಜರಿರತಕ್ಕ ಸದಸ್ಯರುಗಳ ಒಟ್ಟು ಸಂಖ್ಯೆಯಲ್ಲಿ ಐದರಲ್ಲಿ ಮೂರುಭಾಗಕ್ಕೆ ಕಡಮೆಯಿಲ್ಲದಷ್ಟು ಸಂಖ್ಯೆಯ ಸದಸ್ಯರುಗಳು ತಾವೇ ಖುದ್ದಾಗಿ ವೋಟುಮಾಡುವುದರ ಮೂಲಕವಾಗಲಿ ಅಥವಾ ಹಾಜರಿಲ್ಲದ ಸದಸ್ಯರು ತಮ್ಮ ಪರವಾಗಿ ಬೇರೊಬ್ಬರ ಮೂಲಕ ವೋಟುಕೊಡಲು ನಿಬಂಧನೆಗಳಲ್ಲಿ ಅವಕಾಶವಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಆ ರೀತಿ ಮಾಡುವುದರ ಮೂಲಕವಾಗಲಿ ನಡೆಯಿಸತಕ್ಕ ಒಂದು ನಿರ್ಣಯದ ಮೇರೆಗೆ ಬಡಲಾಯಿಸಬಹುದು.

(ii) ನಿಬಂಧನೆಗಳಲ್ಲಿ ಮಾಡಬಹುದಾದ ಅಂಥ ಬದಲಾವಣೆಗಳು ಸಂಘಗಳ ರಿಜಿಸ್ಟ್ರಾರರವರ ಆಫೀಸಿನಲ್ಲಿ ಅವು ಕ್ರಮವಾಗಿ ರಿಜಿಸ್ಟರಾದ ತರುವಾಯ ಮಾತ್ರ ಜಾರಿಗೆ ಬರತಕ್ಕುದು. ಸಂಘದ ಹೆಸರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಬದಲಾವಣೆಯು ರಿಜಿಸ್ಟ್ರಾರರಿಂದ ಅದು ಅನುಮೋದಿಸಲ್ಪಟ್ಟ ತರುವಾಯವೇ ಜಾರಿಯಲ್ಲಿ ಬರತಕ್ಕುದು.

1904 ನೆಯ ಇಸವಿಯ III ನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನ 5ನೆಯ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.

5. ಆಕ್ಟಿನ 5ನೆಯ ಪ್ರಕರಣದ (a) ಕ್ಲಾಜಿನಲ್ಲಿರತಕ್ಕ "ಸಂಘದ ನಿಬಂಧನೆಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ಮಾಡಲ್ಪಟ್ಟ" ಎಂಬ ಪದಗಳನ್ನೂ ಮತ್ತು "ಅಥವಾ ಆ ನಿಬಂಧನೆಗಳಲ್ಲಿ ಒಂದು ವರ್ಷಗಟ್ಟಲೆಯ ಸಾಮಾಜಿಕರ ಸಾಮಾನ್ಯ ಕೂಟಕ್ಕೆ (ಜನರಲ್ ಮೀಟಿಂಗಿಗೆ) ಅವಕಾಶವಿಲ್ಲದಿರುವ ಪಕ್ಷದಲ್ಲಿ ಜನವರಿ ತಿಂಗಳಿನಲ್ಲಿ" ಎಂಬ ಪದಗಳನ್ನೂ ಬಿಟ್ಟುಬಿಡತಕ್ಕುದು.

1904 ನೆಯ ಇಸವಿಯ III ನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನಲ್ಲಿ 5 A ಪ್ರಕರಣವನ್ನು ಹೊಸದಾಗಿ ಸೇರಿಸುವುದು.

6. ಆಕ್ಟಿನ 5ನೆಯ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಕೆಳಗೆ ಕಂಡ ಪ್ರಕರಣವನ್ನು ಹೊಸದಾಗಿ ಸೇರಿಸತಕ್ಕುದು. ಆ ಪ್ರಕರಣವು ಯಾವುದೆಂದರೆ :—

"5-A. (1) ಈ ಆಕ್ಟಿನ ಮೇರೆಗೆ ರಿಜಿಸ್ಟರಾದ ಪ್ರತಿಯೊಂದು ಸಂಘವೂ ಪ್ರತಿ ಸಾಲಿನಲ್ಲಿಯೂ ಅದರ ಸಕಲ ಸದಸ್ಯ ಸಭೆಯೊಂದನ್ನು ಸೇರಿಸತಕ್ಕುದು, ಮತ್ತು ಆ ಸಭೆಯು ನಡೆಯತಕ್ಕ ವರ್ಷದ ಹಿಂದಿನ ವರ್ಷ, ಸಂಘದ ಕಾರ್ಯಕಲಾಪಗಳು ಹೇಗೆ ನಡೆದುವೆಂಬುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ವರದಿಯನ್ನೂ, ವಜಾವಟ್ಟಗಳ 'ಆಡಿಟ್' ಮಾಡಲ್ಪಟ್ಟ ತಖ್ತೆಯನ್ನೂ (ಬ್ಯಾಲೆನ್ಸ್ ಷೀಟ್), ಜಮಾಖರ್ಚುಗಳ ವಿವರಗಳನ್ನು ತೋರಿಸತಕ್ಕ ತಖ್ತೆಯನ್ನೂ ಮತ್ತು ಲೆಕ್ಕ ತನಿಖೆ ಮಾಡಿದ ಆಡಿಟರ ವರದಿಯನ್ನೂ ಆ ಸಭೆಯ ಅಂಗೀಕಾರಕ್ಕಾಗಿ ಒಪ್ಪಿಸತಕ್ಕುದು.

(2) ಸಂಘದ ಕಾರ್ಯನಿರ್ವಾಹಕ ಸಮಿತಿಯ ಪ್ರೆಸಿಡೆಂಟರಾಗಲಿ ಅಥವಾ ಅಧ್ಯಕ್ಷರಾಗಲಿ ಇದ್ದ ಪಕ್ಷದಲ್ಲಿ ಅವರುಗಳಾಗಲಿ ಅಥವಾ ಕಾರ್ಯನಿರ್ವಾಹ ಸಮಿತಿಯ ಸದಸ್ಯರುಗಳ ಪೈಕಿ ಮೂರುಜನ ಸದಸ್ಯರುಗಳಿಗಿಂತ ಕಡಮೆಯಿಲ್ಲದಷ್ಟು ಮಂದಿ ಸದಸ್ಯರುಗಳಾಗಲಿ, ಅಥವಾ ಸಂಘದ ಸಾಮಾನ್ಯ ಸದಸ್ಯರುಗಳ ಪೈಕಿ ಏಳು ಜನ ಸದಸ್ಯರುಗಳಿಗೆ ಕಡಮೆಯಿಲ್ಲದಷ್ಟು ಮಂದಿ ಸದಸ್ಯರುಗಳಾಗಲಿ ತಾವು ವಿಶೇಷ ರೀತಿಯ ಸಭೆಯು ನಡೆಯುವಂತೆ ಸೂಚಿಸುವುದೇತಕ್ಕೆಂಬುದನ್ನು ಒರೆವಣಿಗೆಯ ಮೂಲಕ ಸೂಚಿಸಿ ಕಳುಹಿಸತಕ್ಕ ಕೋರಿಕೆಯ ಮೇರೆಗೆ ಯಾವ ಕಾಲದಲ್ಲಿಯೇ ಆಗಲಿ ಒಂದು ವಿಶೇಷ ರೀತಿಯ ಸಭೆಯನ್ನು ಸೇರಿಸಬಹುದು. ಅಂಥಾ ಕೋರಿಕೆಯು ತಲಪಿದ ತಾರೀಖಿನಿಂದ 10 ದಿನಗಳು ಮುಗಿಯುವುದರೊಳಗಾಗಿ ಸಂಘದ ಕಾರ್ಯದರ್ಶಿಯವರು, ಸಂಘದ ಸಭೆಯನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(3) ಯಾರಾದರೂ ಒಬ್ಬ ಸದಸ್ಯರಿಗೆ ಮೈಸೂರು ದೇಶದಲ್ಲಿ ರಿಜಿಸ್ಟರಾದ ಯಾವ ವಿಳಾಸವೂ ಇಲ್ಲದೆ ಇದ್ದಾಗ ಮತ್ತು ಆತನು ತನಗೆ ನೋಟೀಸುಗಳನ್ನು ಕಳುಹಿಸಿಕೊಡುವ ಸಲುವಾಗಿ ಮೈಸೂರು ದೇಶದಲ್ಲಿ ತನಗಿರುವ ಯಾವುದಾದರೂ ವಿಳಾಸವನ್ನು ಸಂಘಕ್ಕೆ ತಿಳಿಸದೆ ಇದ್ದ ಪಕ್ಷದಲ್ಲಿ ಅಂಥವನಿಗೆ ನೋಟೀಸನ್ನು ಕೊಡಬೇಕಾದರೆ,ಸಂಘದ ರಿಜಿಸ್ಟರಾದ ಆಫೀಸಿರತಕ್ಕ ಸ್ಥಳದ ಸುತ್ತುಮುತ್ತಣ ಪ್ರದೇಶಗಳಲ್ಲಿ ಪ್ರಚಾರದಲ್ಲಿರತಕ್ಕ ಎರಡು ವರ್ತಮಾನ ಪತ್ರಿಕೆಗಳಲ್ಲಿ (ಒಂದು ಇಂಗ್ಲೀಷಿನಲ್ಲಿರತಕ್ಕ ಪತ್ರಿಕೆ ಮತ್ತೊಂದು ದೇಶ ಭಾಷೆಗಳಲ್ಲಿರತಕ್ಕ ಪತ್ರಿಕೆ ಆಗಿರಬೇಕು) ಒಂದು ನೋಟೀಸನ್ನು ಪ್ರಕಟಿಸಿದಲ್ಲಿ, ಅದು ಪತ್ರಿಕೆಯಲ್ಲಿ ಪ್ರಕಟವಾದ ತಾರೀಖಿನ ದಿನವೇ ಆ ಸದಸ್ಯನಿಗೆ ಕೊಡಲ್ಪಟ್ಟಂತೆ ಭಾವಿಸಲ್ಪಡತಕ್ಕದ್ದು"

7. ಆಕ್ಟಿನ 21ನೆಯ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಕೆಳಗೆ ಕಂಡ ಹೊಸಪ್ರಕರಣಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು. ಅವು ಯಾವುವೆಂದರೆ :—

"21–A. (i) ಪ್ರತಿಯೊಂದು ಸಂಘವೂ ಕೊನೆಯಪಕ್ಷ ಎರಡು ವರ್ಷಗಳಿಗೊಂದಾವರ್ತಿಯಾದರೂ ರಿಜಿಸ್ಟ್ರಾರರಿಂದಾಗಲಿ ಅಥವಾ ಅವರಿಂದ ಈ ವಿಷಯದಲ್ಲಿ ಅಧಿಕಾರಗೊಳಿಸಲ್ಪಟ್ಟ ಯಾರಾದರೂ ಆಫೀಸರಿಂದಾಗಲಿ ಅಜಮಾಯಿಷಿಯಿಂದ ತನಿಖೆಮಾಡಲ್ಪಡತಕ್ಕದ್ದು, ಮತ್ತು ತನಿಖೆಮಾಡತಕ್ಕ ಆಫೀಸರು ಯಾವುದಾದರೂ ಸಂಘದ ವಹಾರವನ್ನು ಪರಿಶೀಲಿಸುವುದಕ್ಕೂ ಮತ್ತು ತಾವು ನಮೂದಿಸುವಂಥ ಸಮಾಚಾರಗಳನ್ನು ಮತ್ತು ಸಮಜಾಯಿಷಿಗಳನ್ನು ತಮ್ಮಿಂದ ಕ್ಲುಪ್ತಗೊಳಿಸಲಾದ ಕಾಲಾವಧಿಯೊಳಗಾಗಿ ಒದಗಿಸುವಂತೆ ಕೇಳುವುದಕ್ಕೂ ಅಧಿಕಾರವುಳ್ಳವರಾಗಿರತಕ್ಕದ್ದು.

(ii) ಯಾವುದಾದರೂ ಸಂಘದ ವಿದ್ಯಮಾನಗಳನ್ನು ತನಿಖೆಮಾಡುವುದು ಆವಶ್ಯಕವೆಂದು ರಿಜಿಸ್ಟ್ರಾರರವರಿಗೆ ಕಂಡುಬಂದಾಗ ಆ ರೀತಿ ತನಿಖೆ ನಡೆಯಿಸುವುದಕ್ಕಾಗಿ ರಿಜಿಸ್ಟ್ರಾರರವರು ಸರ್ಟಿಫೈಡ್ ಆಡಿಟರ್ ಒಬ್ಬರನ್ನು ನೇಮಕ ಮಾಡಬಹುದು, ಮತ್ತು ಆ ಆಡಿಟರವರಿಗೆ ಸಂಘದವರು ಕೊಡಬೇಕಾದ ಸಂಭಾವನೆಯನ್ನು ನಿಗದಿಮಾಡಬಹುದು.

21–B ಯಾವುದಾದರೂ ಸಂಘದ ಯಾದಾಸ್ತಿನಲ್ಲಿ (ಎಂದರೆ "ಮೆಮೋರ್ಯಾಂಡಂ ಆಫ್ ಅಸೋಸಿಯೇಷನಿ" ನಲ್ಲಿ) ನಡೆದ ಬದಲಾವಣೆಯನ್ನು ಆಯಾ ಸಂಘದವರು ರಿಜಿಸ್ಟ್ರಾರರವರಿಗೆ ತಿಳಿಸಿ ಅವರ ದಾಖಲೆಗಳಿಗೆ ಅದನ್ನು ಕಳುಹಿಸದೆ ಹೋದಾಗ, ರಿಜಿಸ್ಟ್ರಾರರವರು ಅಂಥ ಬದಲಾವಣೆಯ ವಿವರಗಳನ್ನು ಒಂದು ಕ್ಲುಪ್ತ ಕಾಲದೊಳಗಾಗಿ ತಮಗೆ ಒದಗಿಸಬೇಕೆಂದು ಆ ಸಂಘದವರನ್ನು ಕೇಳತಕ್ಕದ್ದು. ಆ ತರುವಾಯವೂ ಸಂಘದವರು ಅದನ್ನು ಒದಗಿಸದೆ ಹೋದರೆ, ಆಗ ರಿಜಿಸ್ಟ್ರಾರರವರು ಆ ಸಂಘವು ಕೆಲಸ ನಡೆಯಿಸದೆ ಇರತಕ್ಕ ಸಂಘವೆಂದು ಪರಿಗಣಿಸಿ ಅದನ್ನು ಈ ಆಕ್ಟಿನಮೇರೆಗೆ ಅಂಗೀಕೃತವಾದ ಸಂಘಗಳ ಪಟ್ಟಿಯಿಂದ ವಜಾಮಾಡಬಹುದು, ಹಾಗೆ ವಜಾಮಾಡಿದಾಗ ಈ ಆಕ್ಟಿನಮೇರೆಗೆ ಆ ಸಂಘಕ್ಕಿರತಕ್ಕ ಸಾಂಘಿಕಗೂಪಡ ವ್ಯವಸ್ಥೆಯು ಸಲುವಳಿಯಲ್ಲಿಲ್ಲದೆ ನಿಂತುಹೋಗತಕ್ಕದ್ದು. ಪರಂತು, ಆಯಾ ಸಂದರ್ಭಾನುಸಾರ ಸಂಘದ ಆಡಳಿತ ಸಮಿತಿಯ ಸದಸ್ಯರುಗಳ ಅಥವಾ ಸಂಘದ ಸದಸ್ಯರುಗಳ ಬದ್ಧತೆಗಳೇನಾದರೂ ಇದ್ದರೆ ಅಂಥ ಬದ್ಧತೆಗಳು ಯಥಾರೀತಿ ಸಲುವಳಿಯಲ್ಲಿರತಕ್ಕದ್ದು; ಮತ್ತು ಆ ಸಂಘವು ಕೆಲಸ ನಡೆಯಿಸದೆ ಇರತಕ್ಕ ಸಂಘವೆಂದು ಪರಿಗಣಿಸದೆ ಇದ್ದರೆ ಆ ಬದ್ಧತೆಗಳಿಗೆ ಅವರನ್ನು ಹೇಗೆ ಗುರಿಮಾಡಲಾಗುತ್ತಿದ್ದಿತೋ ಅದರಂತೆಯೇ ಆಗಲೂ ಅವರನ್ನು ಗುರಿಮಾಡಬಹುದಾಗಿರತಕ್ಕದ್ದು."

| Existing Section | Amendment proposed | Section as amended | Remarks |
|---|---|---|---|
| Section 5(a) | Deletion of certain words, indicated by dots in column 3. | Section 5(a).- Once in every year, on or before the fourteenth day succeeding the day on which the .....the annual general meeting of the society is held, ..... a list shall be filed with the Registrar of Joint Stock Companies of the names, addresses and occupations of the governors, council, directors, committee or other governing body then entrusted with the management of the affairs of the society. | |

6. After section 5 of the said Act, the following new section shall be inserted, namely;— **Insertion of a new section 5-A, in Act III of 1904.**

"5-A. (1) All Societies registered under this Act shall hold every year a general meeting at which the report of the management of the institution for the previous year, together with an audited copy of the balance sheet, receipts and expenditure statement and the auditor's report shall be submitted for approval.

(2) A special meeting may be convened at any time on the requisition of the President or Chairman of the executive committee, if any, or on the requisition of not less than three members of the executive committee or seven members of the general body of the society, who shall state in writing the business for which they wish the meeting to be convened. The Secretary shall convene a meeting of the society before the lapse of ten days from the date of the receipt of the requisition.

(3) If a member has no registered address in Mysore and has not supplied to the Society an address within Mysore for the giving of notice to him, a notice advertised in two newspapers (one in English and the other in any of the vernacular languages) circulating in the neighbourhood of the registered office of the society, shall be deemed to be duly given to him on the day on which the advertisement appears."

| Existing section | Amendment proposed | Section as amended | Remarks |
|---|---|---|---|

7. After section 21 of the said Act, the following new sections shall be inserted, namely,— Insertion of new sections 21-A and 21-B in Act III of 1904.

"21-A (*i*) Every Society shall be inspected at least once in two years by the Registrar or an officer authorised by him in this behalf who shall be entitled to inspect the premises of any Society and shall also be entitled to call for such information or explanation within such time as may be specified by him.

(*ii*) Where it appears to the Registrar that the affairs of a Society call for investigation, the Registrar may appoint a certified auditor to investigate the affairs of such Society and may fix his remuneration which shall be borne by the Society.

21-B. Where default is made by a Society in filing with the Registrar, any change in the memorandum of association, the Registrar may, after calling upon such Society to furnish details of such change within a specified time and on the failure of the Society to do so, treat the Society as having become defunct whereupon the incorporation of the Society under this Act shall cease:

Provided that the liability, if any, of the members of the governing body or the members of the Society, as the case may be, shall continue and may be enforced as if the Society had not become defunct."

# A BILL TO AMEND THE SOCIETIES REGISTRATION ACT, 1904.

| Existing section | Amendment proposed. | Section as amended. | Remarks |
|---|---|---|---|
| Preamble to the Act. | The words underlined in column 3 shall be inserted. | Preamble.- Whereas it is expedient that provision should be made for regulating, controlling and improving the legal condition of societies established for the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledgeor for charitable purposes; His Highness the Maharaja is pleased to enact as follows:- | |
| Section 3. | ~~xxxxx~~ The words underlined in column 3 shall be inserted and the words - commencing from "Every change" shall be added at the end. | Section 3.- The memorandum of association shall contain the following things (that is to say)- :he name of the society: :he object of the society: the names, addresses, and occupations of the governors, council, directors, committee or other governing body to whom, by the rules of the society, the management of its affairs is entrusted, the situation of the premises of the Society. A copy of the rules and regulations of the society, ertified to be a correct copy by not less than three of :he members of the governing body, shall be filed with the memorandum of association. Every change in the memorandum of ~~xxx~~ association shall, within 30 days of the making thereof, be filed with the Registrar. | |
| After section 3 of the Act, the new section mentioned in column 3 shall be inserted. | | 3-A (1) The name or the rules of a Society may be changed by a resolution of the general body passed by a majority of not less than three-fifths of the members as are present in person or by proxy (where tne rules provide for voting by proxy), at a special meeting convened for this purpose, of which written or printed notice shall have been delivered or sent by post to every member of ths society within 21 days prior to the date of the meeting. (ii) Such change in the rules shall take effect only after they are duly registered in the office of the Registrar. A change in the name of the Society shall take effect only after it has been approved by the Registrar. | |

D.F.N.

PROMULGATION OF THE SOCIETIES REGISTRATION (AMENDMENT) BILL.

---

The gracious approval of His Highness was accorded on the ~~10th~~ 11th of June 1942 to place the Societies Registration (Amendment) Bill before the Representative Assembly and the Legislative Council. This Bill could not be proceeded with during the session of the Assembly held in October, 1942 for want of time and it was placed before that Chamber during its recent Budget Session and was approved by that House. The Bill was thereafter introduced in the Legislative Council during its recent session and passed by it. A copy of the Bill as passed in the Council and signed by the President under ~~Rule~~ Council Standing Order 44 of the Mysore Legislative ~~Rules~~ Council Standing Orders is submitted herewith.

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

DH 16.7.43

MINISTER FOR PUBLIC WORKS.

BXR 15-7-43

KSH

As passed by the Legislative council on 5th July 1943

58

*No. Bl.* 1112, *dated Bangalore, the 7th June* 1943.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the Societies Registration (Amendment) Bill together with the statement of Objects and Reasons.

By Order,

C. NARAYANASWAMY NAIDU,
*Secretary to Government,*
*Law Department.*

## THE SOCIETIES REGISTRATION (AMENDMENT) BILL.

WHEREAS it is expedient further to amend the Societies Registration Act, 1904;

It is hereby enacted as follows:—

**Short title and commencement.**

1. (1) This Act may be called the Societies Registration (Amendment) Act, 194

(2) It shall come into force at once.

**Amendment of Preamble. Act III of 1904.**

2. In the preamble to the Societies Registration Act, 1904, (hereinafter referred to as the said Act) after the words "made for", the words "regulating, controlling and" shall be inserted.

3. In section 3 of the said Act—

**Amendment of Section 3, Act III of 1904.**

(1) after the words "the management of its affairs is entrusted" the words "the situation of the premises of the Society" shall be inserted;

(2) the following words shall be added at the end, namely,—

"Every change in the memorandum of association shall, within 30 days of the making thereof, be filed with the Registrar."

**Insertion of a New Section 3-A in Act III of 1904.**

4. After section 3 of the said Act, the following new section shall be inserted, namely,—

"3-A (*i*) The name or the rules of a Society may be changed by a resolution of the general body passed by a majority of not less than three-fifths of the members as are present in person or by proxy (where the rules provide for voting by proxy), at a special meeting convened for this purpose, of which written or printed notice shall have been delivered or sent by post to every member of

the society within 21 days prior to the date of the meeting.

(*ii*) Such change in the rules shall take effect only after they are duly registered in the office of the Registrar. A change in the name of the Society shall take effect only after it has been approved by the Registrar."

Amendment of Section 5, Act III of 1904.

5. In clause (*a*) of section 5 the words "according to the rules of the Society" and "or if the rules do not provide for annual general meeting, in the month of January" shall be omitted.

Insertion of a new section 5-A, in Act III of 1904.

6. After section 5 of the said Act, the following new section shall be inserted, namely,—

"5-A. (1) All Societies registered under this Act shall hold every year a general meeting at which the report of the management of the institution for the previous year, together with an audited copy of the balance sheet, receipts and expenditure statement and the auditor's report shall be submitted for approval.

(2) A special meeting may be convened at any time on the requisition of the President or Chairman of the executive committee, if any, or on the requisition of not less than three members of the executive committee or seven members of the general body of the society, who shall state in writing the business for which they wish the meeting to be convened. The Secretary shall convene a meeting of the society before the lapse of ten days from the date of the receipt of the requisition.

(3) If a member has no registered address in Mysore and has not supplied to the Society an address within Mysore for the giving of notice to him, a notice advertised in two newspapers (one in English and the other in any of the vernacular languages) circulating in the neighbourhood of the registered office of the society, shall be deemed to be duly given to him on the day on which the advertisement appears."

Insertion of new sections 21-A and 21-B in Act III of 1904.

7. After section 21 of the said Act, the following new sections shall be inserted, namely,—

"21-A (*i*) Every Society shall be inspected at least once in two years by the Registrar or an officer authorised by him in this behalf who shall be entitled to inspect the premises of any Society and shall also be entitled to call for such information or explanation within such time as may be specified by him.

(*ii*) Where it appears to the Registrar that the affairs of a Society call for investigation, the Registrar may appoint a certified auditor to investigate the affairs of such Society and may fix his remuneration which shall be borne by the Society.

21-B. Where default is made by a Society in filing with the Registrar, any change in the memorandum of association, the Registrar may, after calling upon such Society to furnish details of such change within a specified time and on the failure of the Society to do so, treat the Society as having become defunct whereupon the incorporation of the Society under this Act shall cease:

Provided that the liability, if any, of the members of the governing body or the members of the Society, as the case may be, shall continue and may be enforced as if the Society had not become defunct."

D. H. Chandrasekharaiya 12/2/63
President
Legislative Council

**Statement of objects and reasons.**

The Societies Registration Act, 1904, even after the amendment in 1939, does not ensure proper control by Government. Being societies which are run with public funds, they require an adequate measure of control. The present Bill seeks to provide this.

Under the Bill, a general annual meeting of the Society is made compulsory, so as to make the management more responsible to the general body than hitherto. Every change in the memorandum or rules has to be intimated to the Registrar and every change in the latter will become operative only after registration by him. For a change in the rules, a safe procedure is provided for statutorily.

As there are a number of Societies which are not functioning or are not sending proper returns to the Registrar and there is at present no provision to remove them from the list of Registered Societies, a provision is included empowering the Registrar in suitable cases and after notice, to treat them as defunct and to remove their names from the list.

The Registrar is required to inspect every Society once at least every two years. This is expected to result in a sufficient satisfactory measure of control and supervision over all the societies registered under this Act.

D.S.N.

N.A.-M. 58
24.7.43

I submit herewith a Final Note by the Minister for Public Works on the subject of the promulgation into law of the Societies Registration (Amendment) Bill for His Highness's gracious sanction.

D e w a n

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. Rl 169 Legis 43-1 Dated, Bangalore, 5th August 1943

Ordered that the accompanying Societies Registration (Amendment) Act 1943

which received the assent of His Highness the Maharaja, on the 27th day of July 1943, be published as Act No. XXVI of 1943, in the *Mysore Gazette*, for general information.

5.8.43

*General Secretary to Government.*

Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2. Copy to the Translation Section

*No. Rl.* 1112, *dated Bangalore, the 7th June* 1943.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the Societies Registration (Amendment) Bill together with the statement of Objects and Reasons.

By Order,

C. NARAYANASWAMY NAIDU,
*Secretary to Government,*
*Law Department.*

Act No XXXI of 1943

# THE SOCIETIES REGISTRATION (AMENDMENT) ~~BILL~~ Act 1943

Received the assent of His Highness the Maharaja on the 27th day of July 1943

WHEREAS it is expedient further to amend the Societies Registration Act, 1904;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Societies Registration (Amendment) Act, 1943.

(2) It shall come into force at once.

Amendment of Preamble. Act III of 1904.

2. In the preamble to the Societies Registration Act, 1904, (hereinafter referred to as the said Act) after the words "made for", the words "regulating, controlling and" shall be inserted.

3. In section 3 of the said Act—

Amendment of Section 3, Act III of 1904.

(1) after the words "the management of its affairs is entrusted" the words "the situation of the premises of the Society" shall be inserted;

(2) the following words shall be added at the end, namely,—

"Every change in the memorandum of association shall, within 30 days of the making thereof, be filed with the Registrar."

Insertion of a New Section 3-A in Act III of 1904.

4. After section 3 of the said Act, the following new section shall be inserted, namely,—

"3-A (*i*) The name or the rules of a Society may be changed by a resolution of the general body passed by a majority of not less than three-fifths of the members as are present in person or by proxy (where the rules provide for voting by proxy), at a special meeting convened for this purpose, of which written or printed notice shall have been delivered or sent by post to every member of

the society within 21 days prior to the date of the meeting.

(*ii*) Such change in the rules shall take effect only after they are duly registered in the office of the Registrar. A change in the name of the Society shall take effect only after it has been approved by the Registrar."

Amendment of Section 5, Act III of 1904.

5. In clause (*a*) of section 5 the words "according to the rules of the Society" and "or if the rules do not provide for annual general meeting, in the month of January" shall be omitted.

Insertion of a n ew section 5-A, in Act III of 1904.

6. After section 5 of the said Act, the following new section shall be inserted, namely,—

"5-A. (1) All Societies registered under this Act shall hold every year a general meeting at which the report of the management of the institution for the previous year, together with an audited copy of the balance sheet, receipts and expenditure statement and the auditor's report shall be submitted for approval.

(2) A special meeting may be convened at any time on the requisition of the President or Chairman of the executive committee, if any, or on the requisition of not less than three members of the executive committee or seven members of the general body of the society, who shall state in writing the business for which they wish the meeting to be convened. The Secretary shall convene a meeting of the society before the lapse of ten days from the date of the receipt of the requisition.

(3) If a member has no registered address in Mysore and has not supplied to the Society an address within Mysore for the giving of notice to him, a notice advertised in two newspapers (one in English and the other in any of the vernacular languages) circulating in the neighbourhood of the registered office of the society, shall be deemed to be duly given to him on the day on which the advertisement appears."

Insertion of new sections 21-A and 21-B in Act III of 1904.

7. After section 21 of the said Act, the following new sections shall be inserted, namely,—

"21-A (*i*) Every Society shall be inspected at least once in two years by the Registrar or an officer authorised by him in this behalf who shall be entitled to inspect the premises of any Society and shall also be entitled to call for such information or explanation within such time as may be specified by him.

(*ii*) Where it appears to the Registrar that the affairs of a Society call for investigation, the Registrar may appoint a certified auditor to investigate the affairs of such Society and may fix his remuneration which shall be borne by the Society.

21-B. Where default is made by a Society in filing with the Registrar, any change in the memorandum of association, the Registrar may, after calling upon such Society to furnish details of such change within a specified time and on the failure of the Society to do so, treat the Society as having become defunct whereupon the incorporation of the Society under this Act shall cease:

Provided that the liability, if any, of the members of the governing body or the members of the Society, as the case may be, shall continue and may be enforced as if the Society had not become defunct."

(Sd) N. Madhava Rau
Dewan.

**Statement of objects and reasons.**

The Societies Registration Act, 1904, even after the amendment in 1939, does not ensure proper control by Government. Being societies which are run with public funds, they require an adequate measure of control. The present Bill seeks to provide this.

Under the Bill, a general annual meeting of the Society is made compulsory, so as to make the management more responsible to the general body than hitherto. Every change in the memorandum or rules has to be intimated to the Registrar and every change in the latter will become operative only after registration by him. For a change in the rules, a safe procedure is provided for statutorily.

As there are a number of Societies which are not functioning or are not sending proper returns to the Registrar and there is at present no provision to remove them from the list of Registered Societies, a provision is included empowering the Registrar in suitable cases and after notice, to treat them as defunct and to remove their names from the list.

The Registrar is required to inspect every Society once at least every two years. This is expected to result in a sufficient satisfactory measure of control and supervision over all the societies registered under this Act.